

# Public Document Pack

## Chief Executive

**THE CIVIC MAYOR, CHAIR OF  
COUNCIL BUSINESS AND ALL  
MEMBERS OF THE COUNCIL**

Steven Pleasant, Chief Executive  
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Date	

Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 25th May, 2021 at 5.00 pm** in the **Jubilee Hall, Dukinfield Town Hall** when the undermentioned business is to be transacted.

Yours faithfully,



**Steven Pleasant  
Chief Executive**

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
1.	<b>ELECTION OF CIVIC MAYOR</b> To elect a Member of the Council as Civic Mayor of Tameside Metropolitan Borough Council for the 2021/2022 Municipal Year.	
2.	<b>ELECTION OF DEPUTY MAYOR</b> To consider the appointment of the Deputy Mayor for the 2021/2022 Municipal Year.	
3.	<b>APPOINTMENT OF CHAIR OF COUNCIL BUSINESS</b> To appoint the Chair of Council Business for the Municipal Year 2021/2022.	
4.	<b>DECLARATION OF INTEREST</b> To receive any declarations of interest from Members of the Council.	
5.	<b>COUNCIL MINUTES</b> The Minutes of the proceedings of the Ordinary meeting of the Council held on 23 February 2021 to be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).	1 - 18
6.	<b>ELECTION OF COUNCILLORS</b> To receive a report of the Returning Officer detailing the persons elected to the office of Councillor for the Wards of the Borough.	19 - 20
7.	<b>CIVIC MAYOR'S ANNOUNCEMENTS</b> The Civic Mayor to make any appropriate announcements.	
8.	<b>APPOINTMENT OF EXECUTIVE LEADER</b> To appoint the Executive Leader of the Council for the Municipal Year 2021/22.	
9.	<b>EXECUTIVE LEADER'S ADDRESS</b> To receive an address from the Executive Leader in respect of the Council's work programme for the forthcoming Municipal Year.	
10.	<b>APPOINTMENTS OF EXECUTIVE CABINET, PANELS, THE STANDARDS COMMITTEE, OUTSIDE BODIES AND OPPOSITION SPOKESPERSONS</b> To consider and approve the appointment of the persons nominated to serve on the above for the Municipal Year 2021/22.	21 - 28
11.	<b>LICENSING POLICY EXTENSION</b> To consider the attached report of the Executive Member (Neighbourhoods, Community Safety and Environment)/Director (Operations and Neighbourhoods).	29 - 70

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

## **12. AMENDMENTS TO CONSTITUTION**

That it is recommended that in order to:

- (a) maintain Covid secure access to all members of the GMPF Management & Advisory Panel, which has representatives from all Greater Manchester districts and the Ministry of Justice, following the expiry of the virtual meeting legislation and in line with a letter to all council leaders dated 25 March 2021 from Local Government Minister Luke Hall, that all future meetings of the Panels remain virtual until further notice with any formal decisions arising from the published agenda be delegated to the Chair of the Panel taking into the account the prevailing view of the virtual meeting.
- (b) enable the Clinical Commissioning General Practitioners to take part in decisions of the Strategic Commissioning Board (SCB), whilst they continue to support the NHS in dealing with the pandemic that all future meetings of the SCB remain virtual until further notice with any formal decisions arising from the published agenda be delegated to the chair of the SCB taking into the account the prevailing view of the virtual meeting.

## **13. URGENT ITEMS**

To consider any other items which the Chair of Council Business (or other person presiding) is of the opinion shall be dealt with as a matter of urgency.

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

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## COUNCIL

23 February 2021

Commenced: 5.00pm

Terminated: 7.50pm

**Present:** Councillors Affleck, Alam, Billington, Bowden, Bowerman, Boyle, Bray, Cartey, Chadwick, Choksi, Cooney, Cooper, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen (Chair), Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Patrick, Pearce, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.

**Apologies for absence:** Councillors Dickinson and Sidebottom

*Councillor Kitchen, Chair of Council Business, in the Chair*

### 42. CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor began by congratulating all involved in the successful and impressive roll-out of the Covid-19 vaccine programme in Tameside. She stressed the importance of the take-up of the vaccine particularly in the harder to reach communities and thanked everyone for their work in those areas, including Councillor Glover, Deputy Civic Mayor, who had featured in some of the material produced.

The Civic Mayor further thanked all those involved in covid-testing, especially the Royal Military Police, who were at Dukinfield Town Hall for several weeks.

The Civic Mayor congratulated the integrated urgent care team's success in the Health Service Journal Patient Safety Awards. It was a well-deserved honour and rightly recognised the pioneering work the team had done in partnership with Tameside Council in helping people who needed care to stay at home.

The Civic Mayor was honoured to attend Greater Manchester's virtual Holocaust Memorial Day Service last month. Each Mayor from the 10 Boroughs was invited to submit a short video, quoting a passage from the Holocaust Memorial Day Commitment, and this was shown at the end of the service.

The Civic Mayor commended Libraries and Culture for an entertaining and absorbing programme of online activities for last week's half-term holiday. She was also looking forward to the first online children's book festival, "*Ready, Steady, Read!*", which would commence on 24 February.

The Civic Mayor wished Chinese residents a Happy New Year of the Ox and also reminded everyone that it was census day on Sunday, 21 March 2021.

### 43. COUNCIL MINUTES

#### RESOLVED

**It was moved by Councillor Warrington and seconded by Councillor Fairfoull that the minutes of the meeting of Council held on 12 January 2021 be approved as a correct record and signed by the Chair.**

#### 44. DECLARATIONS OF INTEREST

<b>DISPENSATION Item 7 – Council Budget 2021/22</b>		
Councillors: Affleck, Alam, Billington, Bowden, Bowerman, Boyle, Bray, Cartey, Chadwick, Choksi, Cooney, Cooper, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen, Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Patrick, Pearce, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.	Prejudicial – Section 33(2)(a) of the Localism Act 2011 – that without the dispensation the number of Members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.	Beneficial interest in property in Tameside, namely residence.

#### 45. COMMUNICATIONS OR ANNOUNCEMENTS

The Executive Leader made reference to a major incident in Denton on Sunday 21 February 2021. A fire had broken out in an industrial unit used as a storage facility, adjacent to the M60 motorway and very close to residential properties. Members were informed that the fire was extremely intense and the Executive Leader thanked the emergency services and Tameside's emergency response team who had all worked hard to fight the fire and also to safeguard and support residents. Thankfully, no human casualties were reported and a major investigation into the cause of the fire was now underway.

#### 46. COUNCIL BIG CONVERSATION

The Chair reported that there were no questions submitted by members of the public in accordance with Standing Orders 31.12 and 31.13.

#### 47. JOINT MEETING OF EXECUTIVE CABINET WITH OVERVIEW PANEL

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 27 January 2021 and the Joint meeting of Executive Cabinet with Overview Panel held on 10 February 2021.

It was moved by Councillor Warrington and seconded by Councillor Fairfoull and it was:

#### **RESOLVED**

**That the Minutes of the meeting of the Executive Cabinet held on 27 January 2021 and the Joint meeting of Executive Cabinet with Overview Panel held on 10 February 2021 be received and the recommendations approved.**

#### 48. COUNCIL BUDGET 2021/2022

The Executive Leader presented the budget for 2021/22 and future years, which set out what the Council intended to do for its residents and businesses over the coming year.

The Executive Leader began by paying tribute to Captain Sir Tom Moore, who sadly passed away recently. He had raised tens of millions for pounds for the NHS and other charities before succumbing to the virus himself.

The Executive Leader was delighted to announce that Tameside was continuing to make excellent progress on the vaccine rollout within Tameside. As of 19 February 2021, 60,976 local people had

received their first jab. This included approximately 75% of 65-69 year olds. All care home residents and staff members, over 70s and defined clinically extremely vulnerable individuals had also all been offered the vaccine. None of this would have been possible without the exceptional efforts, day-in and day-out, of all those involved at every stage of the vaccination programme and the Executive Leader extended sincere thanks to them all.

The speed of the vaccine rollout and the need to pass a Budget for the next financial year meant that now was the appropriate time to begin giving serious thought to the post-coronavirus future.

The government had started to set out the plan to return the Country to normality after a long and painful road. As a Council, Tameside was still working through the detail of the latest round of announcements to understand how best to support communities. The Executive Leader expressed optimism that, with proper support, local businesses would be able to get back on their feet and bring back life to high streets.

The Executive Leader did, however, express concern that the ensuing legacy the pandemic would have in places like Tameside, had been underestimated. Over 600 people had been lost and rates of infection in the Borough were higher than many other parts of the country. Tameside had, along with much of the rest of the Northwest, endured lockdowns and restrictions far longer than the rest of the Country and was likely to need support for the foreseeable future. A proper plan to support those who could not afford to self-isolate and those who continued to need to shield, was expected.

The Executive Leader stressed the need to focus efforts not just on the recovery from the pandemic, but to challenge and resolve the injustices, both social and economic, that coronavirus had shone a light upon, to build back better and fairer. She further highlighted some of the great work taking place in the borough to invest, build and redevelop for inclusive growth and better services.

Reference was made to the financial pressure faced by local authorities up and down the country as a result of the pandemic, which remained incredibly challenging. This had manifested in short term impacts, such as the staffing of test centres, and longer scale concerns such as the increase in demand for services and reduction in many income streams. The total cost of these had been estimated at over £50 million for the financial year 2020-21 alone.

Further reference was made to the impact of over a decade of austerity, despite the additional coronavirus funding received over the course of the past year. The reduction of central grants had led to an increased reliance on local sources of funding, a trend that was especially problematic for local authorities like Tameside with a low council tax base and higher levels of demand.

As a result of this, the headline figure was that the budget gap for Tameside in the financial year 2021/22 had increased to £23 million.

The demands on services from the most vulnerable – the frail elderly, people with learning disabilities and struggling families would continue to grow over the coming years. The Local Government Finance Settlement was restricted to a single year, and a further one year settlement for 2022/23 was expected. The reviews of fair funding and business rates reform had also been put on hold due to the pandemic. Whilst the reasons for this were understandable due to the current unique situation, it nevertheless made it difficult to plan effectively and efficiently for the long term.

The Executive Leader explained that the Budget for the next year must focus on closing the budget gap. It was stressed, however, that the Budget must also be the launch pad to drive economic growth within the borough to open up new income streams, improve services and the quality of life of residents, and begin the process of building back fairer and better.

The strategy that shaped the efforts to make good on the budget gap was based as much as possible on achieving reductions in demand and working differently, however, more cuts were necessary in the Budget, and financial forecasts up to 2026 predicted that, unfortunately, further cuts would also be required in the years ahead.

The Executive Leader advised that, in order to inform residents about the financial challenges faced, the annual Budget Conversation had been launched just before Christmas, to give people the opportunity to have their say on spending and saving priorities. Due to the coronavirus pandemic, much of this had taken place through online discussions with partner organisations, community groups and other virtual engagement sessions. All of the feedback had been collected, analysed and fed directly into the decision-making process and she thanked everybody who had taken part.

The overriding need to secure financial sustainability meant that it had been agreed that an additional £9 million of cuts on top of existing savings proposals were to be adopted and delivered this year, increasing to £14 million next year. There would also be no new reliance on reserves in 2021/22 – although allowances had been made for this to be balanced with one-off measures where the case could be justified for it.

In terms of income, the Budget assumed a council tax increase this year of 1.99% and an increase in the adult social care precept of 3%. These were the highest amounts by which both of these could be raised without the requirement to call a local referendum.

The impact of coronavirus had both created serious new inequalities within Tameside and exacerbated those that already existed. Every closed business, every lost job and every mental or physical health crisis had a clear and tragic human cost, but it also carried a cost for the council through greater demand for support or reduced income from council tax and business rates. In the absence of adequate financial assistance from the Government, many vital services faced the risk of becoming financially unsustainable.

The Executive Leader informed Members that Tameside was in the process of finalising the Inclusive Growth Strategy for 2021-26. This would be the guiding star that would help set the course to building an economy that was better, fairer and greener. She explained that, despite the financial challenges faced, there was an unwavering commitment to improving the quality of life, health and happiness of all residents and to increase the productivity of business and reform public services to deliver what was needed when it was needed. This commitment had been distilled into a number of key priorities which were in the process of being acted upon by the Growth Directorate.

Reference was made to the latest Strategic Asset Management Plan, agreed by the Executive Cabinet last year. This would ensure that all of the Council's buildings and assets contributed to the prosperity of the borough and the well-being of residents. Many ongoing projects focused on town centres, with the aim of turning them into economic growth engines and vibrant community hubs.

In Stalybridge an agreement had been reached on £1.27 million match funding for the development of the Historic England High Street Heritage Action Zone, which provided financing to restore historical buildings while preserving their unique character and history. Further money had also been secured through the Evergreen 1 Fund to undertake the site investigations and land remediation costs needed to bring plots forward for houses within the town centre.

In Ashton, the Old Baths Data Centre extension was due to be completed in April 2021. The next phase of the successful renovation of the historic Ashton Old Baths, once online it would accommodate up to 73 new jobs in the media, digital and creative sectors. In St Petersfield, further Evergreen funding would be used to bring forward high quality employment space and new jobs, with initial investigations due to be undertaken by the end of March.

It was reported that, after a number of unforeseen and unfortunate complications, the long-awaited extension to Hyde Pool would be completed in April 2021. The former Denton Pool site, which was surplus to requirements since the opening of the Tameside Wellness Centre, would be demolished ready to bring forward for housing by May 2021. This would be facilitated by £1.9 million from the GM Brownfield Housing Fund, which would be used to accelerate the clearance and delivery for development of this area as well as two further sites in Droylsden Library and the building footprint of the former Two Trees School. As part of this there was also consultation on the future of Droylsden



Library, with the intention of getting resident's views on relocating the service into more modern and fit-for-purpose accommodation in Guardsman Tony Downes House. The GMCA had also supported in principle, a bid for £850,000 of further brownfield funding to unlock developments on the sites of the former Stalybridge Police Station, and Egmont Street in Mossley.

As well as investment in town centres, education and housing were two of the other lynchpins of the Inclusive Growth Strategy. The Executive Leader was delighted to announce that, even at such an early stage, significant progress had been made in both areas.

The Employment and Skills service had overachieved on their targets to support the delivery of the government's national Kickstart Programme, which worked with businesses to give young people at risk of long-term unemployment, an opportunity to receive jobs and training. This was a tremendous accomplishment.

The draft Housing Strategy was also due to be brought forward in May 2021. When signed off, this would implement and deliver a new Housing Provider Framework to supply children and adult social care needs until 2024. This would help to guarantee that the most vulnerable residents in Tameside never go without a roof over their heads.

At the Combined Authority meeting earlier in the month, it was agreed with Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Trafford and Wigan to form a joint committee to develop a new and long-term plan for jobs, new homes and sustainable growth for all. The project, entitled "Places for Everyone", would replace and build upon the pioneering work carried out during the creation of the former Greater Manchester Spatial Framework.

The Executive Leader further gave an update on two large scale investment areas in Godley Green Garden Village and Ashton Moss. A community consultation on Godley Green had been launched, and following the completion of site surveys, negotiation had commenced with landowners on an Options Agreement. An independent socio-economic study had also been commissioned on the Garden Village and its implications for the wider Hyde area, the findings and outcomes of which would be shared in due course.

Evergreen funds had been secured for Ashton Moss, with the investigation and remediation of designated land due to begin in March 2021. A significant inward investment enquiry for the area was already being managed and Tameside was cooperating closely with MIDAS and the Greater Manchester Combined Authority to draw up a business case to the government for further funding and development.

The Executive Leader concluded by stating that the commitment of financial sustainability on one side, and inclusive growth on the other, a Budget had been produced that both managed the significant challenges faced, whilst simultaneously laying the foundations to build back fairer, better and greener.

In accordance with the Constitution, the Chair of Council Business then afforded the Opposition Group the opportunity to present to the Council alternative budgets.

In response, Councillor Welsh, the Deputy Opposition Leader informed Members that the Opposition Group would not be proposing an alternative budget or any amendments to the budget. Councillor Welsh added that the Opposition Group did not support the proposed rise in Council Tax.

General discussion then ensued in relation to the proposed budget as outlined and responses made accordingly. The budget for 2021/22 set out in the previously circulated report, as amended by the tabled report and addendum, was moved by Councillor Warrington, seconded by Councillor Fairfoull and, in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations, a named vote was taken on the Council Tax Motion as follows:

For the motion:

Councillors Affleck, Alam, Bowden, Bowerman, Boyle, Bray, Cartey, Choksi, Cooney, Cooper, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen, Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Pearce, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Ward, Warrington, Wild and Wills.

Against the motion:

Councillors Billington, Chadwick, Patrick and Welsh.

## **RESOLVED**

- (i) That the significant financial challenges and risks set out in the report, be noted;
- (ii) That the budgeted net expenditure for the financial year 2021/22 of £194.494m as set out in section 3 and Appendix 1, be approved, noting the significant pressures outlined in Appendix 2;
- (iii) That the proposed savings to be delivered by management outlined in section 3 and Appendix 3, be approved, noting the additional detail provided in Appendices 7 to 16;
- (iv) That an uplift to fees and charges as set out in Appendix 22, be approved;
- (v) That the proposed resourcing of the budget as set out in Appendix 4, be approved;
- (vi) That a 4.99% increase to Council Tax for Tameside MBC for 2021/22, consisting of a 1.99% general increase and 3% Adult Social Care precept, be approved;
- (vii) That it be noted that the budget projections set out in section 6 assume a 1.99% per annum increase in general Council Tax through to 2025/26. The budget projections also assume that there is no further reduction to current levels of Government funding;
- (viii) That the Director of Finance's assessment of the robustness of the budget estimates and adequacy of reserves as set out in Appendix 5 be accepted. Following this, determine that the estimates are robust for the purpose of setting the budget and that the proposed minimum General Fund Balance is adequate;
- (ix) That the proposed minimum General Fund Balance of £27.4m set out in Appendix 6, be approved;
- (x) That the Reserves Strategy be approved and to note the projected reserves position as set out in Appendix 6;
- (xi) That the position on the Capital Programme (Section 8 and Appendix 18) previously approved by Executive Cabinet, and the forecast future investment requirements, be noted;
- (xii) That the Pay Policy Statement for 2021/22 as set out in section 9 and Appendix 19 be approved;
- (xiii) That the Treasury Management Strategy 2021/22, be approved which includes the proposed borrowing strategy, Annual Investment Strategy and Minimum Revenue Provision Policy (Appendix 20);
- (xiv) That the Capital Strategy 2021/22 (Appendix 21), be approved;
- (xv) That authority be delegated to the Directors (in consultation with the Section 151 officer) to agree any uplifts required to other contractual rates from 1 April 2021 which Directorates will manage within their approved budgets for 2021/22;
- (xvi) That the formal Council Tax Resolution as detailed in the tabled report and set out at Appendix 1 to these minutes, be adopted; and
- (xvii) That the calculation of aggregate amounts as detailed in the tabled report and set out at Appendix 2 to these minutes, be noted.

## **49. ESTABLISHMENT OF A COMMITTEE TO PREPARE A JOINT DEVELOPMENT PLAN DOCUMENT**

Consideration was given to a report of the Executive Member (Housing, Planning and Employment) / Director of Growth explaining that, on the 11 December 2020, following the withdrawal of Stockport Council from the production of the Greater Manchester Spatial Framework, the AGMA Executive Board agreed to consider producing a joint Development Plan Document (DPD) of the nine

remaining Greater Manchester (GM) boroughs. The joint plan of the nine GM boroughs was to be known as 'Places for Everyone',

Members were advised that each borough was requested to authorise the establishment of a new joint committee of the nine relevant boroughs; Bury, Bolton, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, and to delegate the preparation of the joint development plan document to the new joint committee. The purpose of formulating the committee would be to oversee the production of the joint development plan document.

In the event that the draft joint development plan document was considered to have substantially the same effect on the nine boroughs as the GMSF 2020 had, the next stage would be publication (Regulation 19 stage of the Town and Country Planning (Local Planning) (England) Regulations 2012), as was considered previously by Tameside's Executive Cabinet on 2 November 2020. As with the GMSF, the Council's Executive Cabinet would be responsible for approving the Regulation 19 version of the plan, ahead of a period for representations to be made. Similarly, as with the GMSF, Council would be responsible for approving the joint plan for Submission to the Secretary of State for Independent Examination. It was understood that these approvals would equally be needed across the eight other boroughs also.

As a result of the changes outlined, the Council's Local Development Scheme would need updating. The Local Development Scheme identified the timetable for the production of local development documents, such as *Places for Everyone*, and their geographical coverage. Similarly, there was also need to review Tameside's Statement of Community Involvement, which needed to make reference to *Places for Everyone* appropriately, as consultation on it, as a development plan document, would need to be in accordance with each borough's Statement of Community Involvement.

An updated Local Development Scheme and Statement of Community Involvement would be reported separately for approval in due course.

It was noted that, whilst Stockport Council had withdrawn from the joint planning process of the GMSF, and would prepare its own local plan, under s33A of the Planning and Compulsory Purchase Act 2004 required a formal Duty to Co-operate, which included neighbouring boroughs. As part of preparing *Places for Everyone, the nine boroughs, including Tameside as a directly adjacent neighbour, would need to enter into dialogue with Stockport as appropriate, on matters of strategic, cross-boundary significance. Details of such discussions would be set out in a Statement of Common Ground in due course.*

It was moved by Councillor Cooney and seconded by Councillor Warrington and it was:

#### **RESOLVED**

- (i) That the making of an agreement with the other eight Greater Manchester Councils (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Trafford, Wigan), to prepare a joint development plan document to cover strategic policies, including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine districts, be approved;**
- (ii) That the Executive Member (Housing, Planning and Employment), (currently Cllr Gerald Cooney) be the Tameside Lead Member for the joint committee and Cllr Claire Reid as the Assistant Executive Member(Planning and Civic Design) be the nominated deputy to attend and vote as necessary;**
- (iii) It be noted that Executive Cabinet will be asked to delegate the formulation and preparation of the draft joint development plan document to a joint committee of the nine GM authorities;**
- (iv) It be noted that a further report will be brought to Full Council seeking approval to submit the joint development plan document to the Secretary of State for independent examination; and**

**That the following RECOMMENDATIONS be made to Executive Cabinet:**

- (i) To note that Full Council has approved the making of an agreement with the other eight Greater Manchester Councils (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Trafford, Wigan) to prepare a joint development plan document to cover strategic policies, including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine districts;**
- (ii) To delegate to the joint committee of the nine Greater Manchester councils the formulation and preparation of the joint development plan document to cover housing and employment land requirements including, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine Greater Manchester districts insofar as such matters are executive functions; and**
- (iii) To note that the following are the sole responsibility of Full Council:**
  - a. Responsibility for giving of instructions to the Executive to reconsider the draft plan submitted by the Executive for the authority's consideration;**
  - b. The amendment of the draft joint development plan document submitted by the Executive for the Full Council's consideration;**
  - c. The approval of the joint development plan document for the purposes of submission to the Secretary of State for independent examination; and**
  - d. The adoption of the joint development plan document.**

#### **50. GREATER MANCHESTER CLEAN AIR PLAN: ESTABLISHMENT OF A JOINT COMMITTEE RE CHARGING FUNCTIONS**

The Executive Member (Neighbourhoods, Community Safety and Environment) / Director of Operations and Neighbourhoods submitted a report setting out the progress that had been made on the development of Greater Manchester's Clean Air Plan following a public consultation on proposals that were developed pre-COVID-19 and the link to taxi and private hire common minimum licensing standards.

It was explained that, in Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM), collectively referred to as "Greater Manchester" or "GM", had worked together to develop a Clean Air Plan to tackle NO<sub>2</sub> Exceedances at the Roadside, referred to as GM CAP. The report set out the progress of the GM CAP and the next steps for the development of the Clean Air Plan and the closely linked Minimum Licensing Standards (MLS) for taxi and private hire services. Key developments since the last GMCA report included:

- Since the last report there had been no confirmation or offer of government funding for LGVs or hackneys, or the taxi and private hire electric vehicle charge points.
- Government ministers had agreed to consider extending Greater Manchester's Clean Air Zone (CAZ) charges to the sections of the A628/A57 in Tameside which formed part of the Strategic Road Network, within the proposed CAZ boundary. The extension of any charges to the A628/A57 would be subject to a full assessment of the potential impacts, to be led by Highways England. Following the assessment ministers would take the final decision on whether or not charging should be implemented on the A628/A57.
- GM was awarded £14.7m of funding for the retrofitting of buses, and this work commenced in December 2020. GM's bus retrofit fund offered operators of locally registered bus services up to £16k of funding per vehicle towards the retrofit of non-compliant buses. The funding was available for vehicles, including minibuses and coaches, operating on a registered bus service within Greater Manchester. This included cross-boundary services operating within the GM CAZ boundary.

The report set out the near-term impacts of COVID-19 government restrictions on movement on air quality. It set out how air quality was legally monitored, and how the Government had directed GM (and other areas) under UK law to address exceedance of the Annual Average standard for NO<sub>2</sub> which is set at 40 ug/m<sup>3</sup>. As GM Clean Air Plan was required to take action to tackle nitrogen dioxide exceedances until compliance with legal limits had been demonstrated (over a number of years), the nearer term influence of COVID-19 on air quality was not expected to lead to sufficiently long term reductions in pollution such that the modelled exceedances of the legal NO<sub>2</sub> limits would be met without implementing a Clean Air Zone.

Members were informed that, following the conclusion of the consultation, both GM CAP and MLS consultation responses were being analysed and reported on by an independent research agency. GM authorities would fully consider all of the information and evidence gathered during the consultation, so that they could understand the consequences COVID-19 had had on vehicle owners and trades which would be directly affected by the GM CAP and MLS.

The report and appendices also set out the work TfGM was undertaking on behalf of the ten Greater Manchester Authorities in the preparatory implementation and contract arrangements required to deliver the CAZ and other GM CAP measures. Preparatory work was required in order to maintain delivery momentum in line with the funding arrangements agreed with JAQU, for example in relation to automatic number plate recognition (ANPR) cameras, back office systems and service providers.

The report covered the consultation approach, engagement activity, additional research undertaken and the number of responses to both the GM CAP and MLS consultations.

The report also set out the governance approach to both GM CAP and MLS, with the GM CAP final plan to be brought forward for decision makers as soon as was reasonably practicable and no later than summer 2021, and the outputs of the MLS to be reported alongside the GM CAP at the same time.

Due to the dynamic context of COVID-19 and national and regional/local lockdowns, progress on the development of the final plan would be provided by the Green City Region Lead, as required at GMCA meetings.

It was moved by Councillor Gwynne and seconded by Councillor Warrington and it was:

**RESOLVED:**

- (1) That the following recommendations agreed by Executive Cabinet on 10 February 2021 be noted:**
  - (i) That the progress of the Greater Manchester Clean Air Plan be noted;**
  - (ii) That the next steps for the development of the Clean Air Plan and Minimum Licensing Standards, listed at Section 12, be noted;**
  - (iii) That the distribution of Bus Retrofit funding commenced in December 2020, be noted;**
  - (iv) It be noted that Government ministers have agreed to consider extending Greater Manchester's Clean Air Zone (CAZ) charges to the sections of the A628/A57 which form part of the Strategic Road Network, within the proposed CAZ boundary, subject to the outcomes of an assessment, which is expected to be completed by early 2021;**
  - (v) It be noted that the GM Clean Air Plan is required to take action tackle nitrogen dioxide exceedances until compliance with the legal limits has been demonstrated and that the nearer term influence of COVID-19 on air quality is not expected to lead to sufficiently long term reductions in pollution such that the exceedances of the legal limits of nitrogen dioxide will not occur without implementing a Clean Air Zone;**
  - (vi) It be noted that the GM CAP final plan will be brought forward for decision makers as soon as is reasonably practicable and no later than summer 2021;**

- (vii) It be noted that the outputs of the MLS will be reported alongside the GM CAP as soon as is reasonably practicable and no later than summer 2021;
  - (viii) It be agreed to enter into a collaboration agreement with the other 9 GM local authorities and GMCA/TfGM to clarify amongst other matters the rights, responsibilities and obligations of the authorities in relation to those contracts set out in Appendix 2 that are required to maintain delivery momentum in line with JAQU funding agreements;
  - (ix) It be agreed to delegate to the Executive Member (Neighbourhoods, Community Safety and Environment) authority to agree the final form of the collaboration agreement;
  - (x) It be agreed to delegate to Executive Member (Neighbourhoods, Community Safety and Environment) authority to award the contracts set out in Appendix 2 (subject to government funding) that are required to implement a charging Clean Air Zone in Spring 2022 to ensure the achievement of Nitrogen Dioxide compliance in the shortest possible time and by 2024 at the latest as required by the Ministerial Direction; and
- (2) That the establishment of joint committees be agreed and to delegate to those committees the Authority's functions as set out in the report at paragraph 9.5 and the terms of reference, as set out in Appendix 6 to the report;
  - (3) That the appointment of Executive Member (Neighbourhoods, Community Safety and Environment) currently Cllr Allison Gwynne be agreed, to sit on both committees for purposes as set out in the report at paragraph 9.5 with specific terms of reference, as set out in Appendix 6 to the report; and
  - (4) That the appointment of Assistant Executive Member (Green Tameside), currently Cllr Laura Boyle, be agreed, as substitute for both committees for purposes as set out in the report at paragraph 9.5 with specific terms of reference, as set out in Appendix 6 to the report.

## **51. MAYORALTY**

Nominations were sought for the position of Civic Mayor for 2021/22 and it was moved by Councillor Warrington, seconded by Councillor Fairfoull and:

### **RESOLVED**

**That Councillor Janet Cooper be nominated for election as Civic Mayor for the Municipal Year 2021/22 at the Annual Meeting of the Council on Tuesday 25 May 2021.**

Nominations were also sought for the position of Deputy Civic Mayor for 2021/22 and it was moved by Councillor Warrington, seconded by Councillor Fairfoull and:

### **RESOLVED**

**That Councillor Mike Glover be nominated for election as Deputy Civic Mayor for the Municipal Year for the 2021/22 at the Annual Meeting of the Council on Tuesday 25 May 2021.**

## **52. ARRANGEMENTS FOR ANNUAL COUNCIL**

It was noted that the Annual Meeting of the Council (Civic and Business) would commence at 5.00pm on Tuesday, 25 May 2021.

## **53. MEMBERSHIP OF COUNCIL BODIES**

The Chair reported there were no amendments of Membership of Council bodies for consideration.

**54. QUESTIONS**

The Chair reported that no questions had been received in accordance with Standing Order 17.2.

**55. URGENT ITEMS**

The Chair reported that there were no urgent items of business for consideration.

**CHAIR**

## Council Tax Resolution 2021/22

### Council is recommended to resolve the following:

1. That it be noted that Executive Cabinet on 27 January 2021 formally approved the relevant Council Tax bases for 2021/22 be as follows:
  - (a) 61,843.4 for the whole Council area (including the Mossley Parish area) [item T in the formula in Section 31B(1) of “the Act”].
  - (b) 3,338.3 for the Mossley Parish area to which a local precept relates.
2. That the Council approves the Council Tax Requirement for the Council’s own purposes for 2021/22 (excluding the Mossley Parish precept) as being £99,239,000. The Council Tax Requirement including the Mossley Parish precept is £99,271,000 for the 2021/22 financial year.
3. That the following amounts be calculated by the Council for the year 2021/22:
  - (a) £544,867,525 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of “the Act” taking into account the precept issued for the year by Mossley Parish Council (Appendix 2).
  - (b) £445,596,525 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of “the Act” (Appendix 2).
  - (c) £99,271,000 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of “the Act”, as its Council Tax Requirement for the year [item R in the formula in Section 31B(1) of the “the Act”].
  - (d) £1,605.20 being the amount at 3(c) above, divided by item T (1(a) above), calculated by the Council, in accordance with Section 31B(1) of “the Act”, as the basic amount of Council Tax for the year (including the Mossley Parish precept).
  - (e) £32,000 being the aggregate amount of all special items referred to in Section 34(1) of “the Act”, being the Mossley Parish precept.
  - (f) £1,604.68 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of “the Act”, as the basic amount of tax for the year for dwellings in those parts of its area to which no special items relate.
  - (g) £1,614.27 being the amounts given by adding to the amount at 3(f) above the amount of the special item or items relating to dwellings in those parts of the Council's area mentioned at 3(e) above divided by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of “the Act”, as the basic amount of Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.



4. That it be noted that for the year 2021/22 the Office of the Police and Crime Commissioner for Greater Manchester and the Greater Manchester Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of “the Act”, for each category of dwelling in the Council's area as indicated in the tables below.
5. That the Council, in accordance with “the Act”, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2021/22 for each part of its area and for each of the categories of dwellings.

<b>VALUATION BANDS - TAMESIDE METROPOLITAN BOROUGH COUNCIL (EXCLUDING MOSSLEY PARISH COUNCIL)</b>								
	A	B	C	D	E	F	G	H
Tameside Metropolitan Borough Council	949.87	1,108.19	1,266.50	1,424.82	1,741.44	2,058.06	2,374.69	2,849.63
<b>Precepts</b>								
Adult and Social Care Precept	119.57	139.50	159.43	179.36	219.21	259.07	298.93	358.71
Mayoral Police and Crime Commissioner Precept (published figures from GMCA)	145.53	169.78	194.04	218.30	266.81	315.32	363.83	436.60
Mayoral General Precept (published figures)	60.63	70.73	80.84	90.95	111.16	131.37	151.58	181.90
<b>Aggregate of the Council Tax requirement (including Precepts)</b>								
Tameside Metropolitan Borough Council (excluding Mossley)	1,275.60	1,488.20	1,700.81	1,913.43	2,338.62	2,763.82	3,189.03	3,826.84

<b>VALUATION BANDS - TAMESIDE METROPOLITAN BOROUGH COUNCIL (INCLUDING MOSSLEY PARISH COUNCIL)</b>								
	A £0.00	B £0.00	C £0.00	D £0.00	E £0.00	F £0.00	G £0.00	H £0.00
Tameside Metropolitan Borough Council	949.87	1,108.19	1,266.50	1,424.82	1,741.44	2,058.06	2,374.69	2,849.63
<b>Precepts</b>								
Adult and Social Care Precept	119.57	139.50	159.43	179.36	219.21	259.07	298.93	358.71
Mossley Parish Council	6.39	7.45	8.52	9.59	11.72	13.85	15.98	19.18
Mayoral Police and Crime Commissioner Precept (calculated figures)	145.53	169.78	194.04	218.30	266.81	315.32	363.83	436.60
Mayoral General Precept (calculated figures)	60.63	70.73	80.84	90.95	111.16	131.37	151.58	181.90
<b>Aggregate of the Council Tax requirement (including Precepts)</b>								
Mossley Parish Council Boundary	1,281.99	1,495.65	1,709.33	1,923.02	2,350.34	2,777.67	3,205.01	3,846.02

## APPENDIX 2

### CALCULATING THE COUNCIL TAX REQUIREMENT

#### Calculations included in Section 31A of “the Act”

1. Section 31A of the “the Act” requires the Council to make three calculations as set out below:

- (i) an estimate of the Council's required gross revenue expenditure - Section 31A(2) of “the Act”, **£544,867,525** (being the Council gross expenditure budget of £544,835,525 plus the Mossley precept of £32,000)
- (ii) an estimate of its anticipated income (excluding that from council tax) and of reserves to be used to aid the revenue account - Section 31A(3) of “the Act”, **£445,596,525**
- (iii) a calculation of the difference between (i) and (ii) above, known as the Council Tax Requirement - Section 31A(4) of “the Act”, **£99,271,000**.

2. The calculation in (i) above requires the Council to calculate the aggregate of:

**Section 31A(2)(a)** - the expenditure the Council estimates it will incur in the year in performing its functions and will charge to a revenue account, for the year in accordance with proper practices;

**Section 31A(2)(b)** - such allowance as the Council estimates will be appropriate for contingencies in relation to amounts to be charged or credited to a revenue account for the year in accordance with proper practices;

**Section 31A(2)(c)** - the financial reserves which the Council estimates it will be appropriate to raise in the year for meeting estimated future expenditure;

**Section 31A(2)(d)** - such financial reserves as are sufficient to meet so much of the amount estimated by the Council to be a revenue account deficit for any earlier financial year as has not already been provided for;

**Section 31A(2)(e)** - any amount estimated to be transferred from the General Fund to the Collection Fund in accordance with Section 97(4) of the Local Government Finance Act 1988, i.e. the Council's share of any Collection Fund deficit, and

**Section 31A(2)(f)** - any amounts estimated to be transferred in the year from the General Fund to the Collection Fund pursuant to a direction under Section 98(5) of the Local Government Finance Act 1988 and charged to a revenue account for the year.

3. The calculation in (ii) above requires the Council to calculate the aggregate of:

**Section 31A(3)(a)** - the income which the Council estimates will accrue to it in the year and which it will credit to a revenue account, for the year in accordance with proper practices;

**Section 31A(3)(b)** - any amounts which the Council estimates will be transferred in the year from the Collection Fund to the General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988, i.e. the Council's share of any Collection Fund surplus;

**Section 31A(3)(c)** - any amounts which the Council estimates will be transferred from the Collection Fund to the General Fund pursuant to a direction under Section 98(4) of the Local Government Finance Act 1988 and will be credited to a revenue account for the year; and

**Section 31A(3)(d)** - the amount of financial reserves/balances which the Council intends to use towards meeting its revenue expenditure.

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# Agenda Item 6

<b>Report To:</b>	<b>COUNCIL</b>
<b>Date:</b>	25 May 2021
<b>Reporting Officer:</b>	Steven Pleasant – Chief Executive and Returning Officer
<b>Subject:</b>	<b>ELECTION OF COUNCILLORS</b>
<b>Report Summary:</b>	To receive notification from the Chief Executive, the Returning Officer for the Local Elections held on 6 May 2021, as to which persons were elected in accordance with the Representation of the People Acts to hold the Office of Councillor for the Wards within Tameside Borough Council.
<b>Recommendations:</b>	That the report is noted.
<b>Links to Community Strategy:</b>	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
<b>Policy Implications:</b>	There are no policy implications.
<b>Financial Implications: (Authorised by the Borough Treasurer)</b>	There are no additional budgetary implications.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Complies with the Representation of the People Acts.
<b>Risk Management:</b>	Publication of the outcome of the Elections ensures compliance with the Representation of the People Acts and the Freedom of Information Act 2000.
<b>Access to Information</b>	The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:  phone: 0161 342 2146  e-mail: <a href="mailto:Robert.landon@tameside.gov.uk">Robert.landon@tameside.gov.uk</a>

**ANNUAL MEETING OF THE COUNCIL – 25 MAY 2021**



**TAMESIDE METROPOLITAN BOROUGH COUNCIL**

**REPORT OF THE RETURNING OFFICER ON THE PERSONS ELECTED TO  
THE OFFICE OF COUNCILLOR FOR THE WARDS INDICATED BELOW**

The following persons, at the elections held on 6 May 2021, were elected to the Office of Councillor for the Wards respectively indicated, to hold office for a period of four years:-

<b>WARD</b>	<b>NAME AND PARTY OF COUNCILLOR ELECTED</b>
<b>ASHTON HURST</b>	Dan Costello (Conservative)
<b>ASHTON ST. MICHAEL'S</b>	Jean Drennan (Labour)
<b>ASHTON WATERLOO</b>	Sangita Patel (Labour)
<b>AUDENSHAW</b>	Teresa Smith (Labour)
<b>DENTON NORTH EAST</b>	Denise Ward (Labour)
<b>DENTON SOUTH</b>	George Newton (Labour)
<b>DENTON WEST</b>	George Jones (Labour)
<b>DROYLSDEN EAST</b>	David Mills (Labour)
<b>DROYLSDEN WEST</b>	Ged Cooney (Labour)
<b>DUKINFIELD</b>	Naila Sharif (Labour)
<b>DUKINFIELD/STALYBRIDGE</b>	Leanne Feeley (Labour)
<b>HYDE GODLEY</b>	Joe Kitchen (Labour)
<b>HYDE NEWTON</b>	Peter Robinson (Labour)
<b>HYDE WERNETH</b>	Ruth Welsh (Conservative)
<b>LONGDENDALE</b>	Jacqueline North (Labour)
<b>MOSSLEY</b>	Jack Homer (Labour)
<b>ST PETERS</b>	Warren Bray (Labour)
<b>STALYBRIDGE NORTH</b>	Jan Jackson (Labour)
<b>STALYBRIDGE SOUTH</b>	Doreen Dickinson (Conservative)



<b>Report To:</b>	<b>COUNCIL</b>
<b>Date:</b>	25 May 2021
<b>Member/Reporting Officer:</b>	Political Group Leaders Steven Pleasant – Chief Executive as Proper Officer
<b>Subject:</b>	<b>APPOINTMENT OF EXECUTIVE CABINET, PANELS, STANDARDS COMMITTEE, OUTSIDE BODIES AND OPPOSITION SPOKESPERSONS FOR 2021/2022</b>
<b>Report Summary:</b>	<p>To agree that all existing appointments to Executive Cabinet, Panels, Standards Committee, Outside Bodies and Opposition Spokespersons be confirmed for the 2021/22 Municipal Year or until Council determines that any changes should be made. Appointments of persons nominated by the various groups are done some in accordance with political balance rules</p> <p>The list of outside bodies contains only those outside bodies where information is required by the other statutory Greater Manchester bodies. Other outside body appointments will be made by the Executive Leader following recommendations by the relevant Executive Member or where appropriate the Executive Member.</p>
<b>Recommendations:</b>	That all existing appointments to Executive Cabinet, Panels, Standards Committee, Outside Bodies and Opposition Spokespersons be confirmed for the 2021/22 Municipal Year or until Council determines that any changes should be made
<b>Links to Community Strategy:</b>	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
<b>Policy Implications:</b>	There are no policy implications.
<b>Financial Implications: (Authorised by the Section 151 Officer)</b>	There are no budgetary implications.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Accords with Procedural Standing Orders 6.4 (g); (h); (i); (j) and (k).
<b>Risk Management:</b>	Allows for transparent and democratic decision making.
<b>Access to Information</b>	<p>The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:</p> <p> phone: 0161 342 2146</p> <p> e-mail: <a href="mailto:Robert.landon@tameside.gov.uk">Robert.landon@tameside.gov.uk</a></p>

**APPOINTMENT OF EXECUTIVE CABINET, PANELS, DISTRICT ASSEMBLIES, STANDARDS COMMITTEE, INDEPENDENT REMUNERATION PANEL AND OPPOSITION SPOKESPERSON FOR 2021/2022**

**THE CABINET**

<b>Executive Leader</b>	Councillor Warrington
<b>Deputy Executive Leader (Children and Families)</b>	Councillor Fairfoull
<b><u>Executive Members</u></b>	
Finance and Economic Growth	Councillor Ryan
Adult Social Care and Health	Councillor Wills
Housing, Planning and Employment	Councillor Cooney
Lifelong Learning, Equalities, Culture and Heritage	Councillor Feeley
Neighbourhoods, Community Safety and Environment	Councillor Gwynne
Transport and Connectivity	Councillor Bray
<b><u>Lead Member</u></b>	
Chair of Council Business	Councillor Kitchen
<b>Assistant Executive Member</b>	<b>Support to Executive Cabinet Member</b>
Cllr Janet Cooper	Cllr Bill Fairfoull
Cllr Mike Smith	Cllr Leanne Feeley
Cllr Barrie Holland	Cllr Warren Bray
Cllr Laura Boyle	Cllr Allison Gwynne
Cllr Vincent Ricci	Cllr Ged Cooney
Cllr George Newton	Executive Leader
Cllr Claire Reid	Cllr Oliver Ryan

**OPPOSITION SPOKESPERSONS**

<b><u>Shadow Brief</u></b>	<b><u>Spokesperson</u></b>
Executive Leader	Councillor Dickinson
Deputy Executive Leader	Councillor Welsh
Children and Families	Councillor Costello
Finance and Economic Growth	Councillor Billington
Health, Social Care and Population Health	Councillor Patrick
Housing, Planning and Employment	Councillor Costello
Lifelong Learning, Equalities, Culture and Heritage	Councillor Welsh
Neighbourhoods, Community Safety and Environment	Councillor Chadwick
Transport and Connectivity	Councillor Dickinson

<b>Strategic Neighbourhood Forums</b>	
<b>North</b> (Ashton Hurst, Ashton St Michael's, Ashton Waterloo, St Peters)	Councillor Bowerman (Chair); Councillor Choksi (Vice-Chair), Councillors Bray, Cartey, Costello, Drennan, Fairfoull, Glover, Huntbach, Lewis, McNally, Patel
<b>South</b> (Hyde Godley, Hyde Newton, Hyde Werneth, Longdendale)	Councillor P. Fitzpatrick (Chair), Councillor Robinson (Vice-Chair), Councillors Affleck, Alam, Bowden Chadwick, Cooper, J. Fitzpatrick, Kitchen, North, Owen, Welsh
<b>East</b> (Dukinfield, Dukinfield/Stalybridge, Mossley, Stalybridge North, Stalybridge South)	Councillor T. Sharif (Chair), Councillor Gosling (Vice-Chair), Councillors Billington, Dickinson, Feeley, J. Homer, S. Homer, Jackson, J. Lane, Patrick, Pearce, N. Sharif, Sweeton, Taylor, Wills
<b>West</b> Audenshaw, Denton North East, Denton South, Denton West, Droylsden East, Droylsden West	Councillor Ward (Chair), Councillor A. Holland (Vice-Chair), Councillors Boyle, Cooney, Gwynne, B. Holland, Jones, Martin, Mills, Naylor, Newton, Quinn, Reid, Ricci, Ryan, M. Smith, T. Smith, Warrington

### **SPEAKERS PANEL (PLANNING)**

12 Members (Labour 11: Conservative 1)

<b>Labour</b>	
1.	Councillor McNally (Chair)
2.	Councillor Jones (Deputy)
3.	Councillor Affleck
4.	Councillor Boyle
5.	Councillor Choksi
6.	Councillor P. Fitzpatrick
7.	Councillor Glover
8.	Councillor Naylor
9.	Councillor Owen
10.	Councillor Ricci
11.	Councillor Ward
<b>Conservative</b>	
12.	Councillor Dickinson

### **SPEAKERS PANEL (LIQUOR LICENSING)**

11 Members (Labour 10: Conservative 1)

<b>Labour</b>	
1.	Councillor Lewis (Chair)
2.	Councillor Bowden (Deputy)
3.	Councillor Bowerman
4.	Councillor Boyle
5.	Councillor Drennan
6.	Councillor J. Homer
7.	Councillor Jones
8.	Councillor Martin
9.	Councillor Pearce
10.	Councillor Quinn
<b>Conservative</b>	
11.	Councillor Billington

### **SPEAKERS PANEL (LICENSING)**

12 Members (Labour 11: Conservative 1)

<b>Labour</b>	
1.	Councillor Taylor (Chair)
2.	Councillor Quinn (Deputy)
3.	Councillor Cartey
4.	Councillor J. Homer
5.	Councillor S. Homer
6.	Councillor Jackson
7.	Councillor J. Lane
8.	Councillor Lewis
9.	Councillor North
10.	Councillor T. Sharif
11.	Councillor Sweeton
<b>Conservative</b>	
12.	Councillor Chadwick

### **SPEAKERS PANEL (EMPLOYMENT APPEALS) 5**

Members (Labour 4: Conservative 1)

<b>Labour</b>	
1.	Chair of Council
2.	Relevant Executive Member for employee
3.	Deputy Executive Leader
4.	Assistant Executive Member (Housing, Planning and Employment)
<b>Conservative</b>	
5.	Councillor Dickinson

**OVERVIEW PANEL**

12 Members (Labour 11: Conservative 1)

Labour	
1.	Councillor Naylor (Chair)
2.	Councillor Owen(Deputy)
3.	Councillor Boyle
4.	Councillor Fairfoull
5.	Councillor J. Fitzpatrick
6.	Councillor Glover
7.	Councillor Kitchen
8.	Councillor Ryan
9.	Councillor N. Sharif
10.	Councillor T. Smith
11.	Councillor Warrington
Conservative	
12.	Councillor Costello

**ENVIRONMENT AND CLEAN AIR PANEL**

11 Members (Labour 10: Conservative 1)

Labour	
1.	Councillor Boyle (Chair)
2.	Councillor Affleck
3.	Councillor Cooper
4.	Councillor B. Holland
5.	Councillor Jones
6.	Councillor Martin
7.	Councillor Mills
8.	Councillor Patel
9.	Councillor Pearce
10.	Councillor Taylor
Conservative	
11.	Councillor Patrick

**AUDIT PANEL**

7 Members (Labour 6: Conservative 1)

Labour	
1.	Councillor Naylor (Chair)
2.	Councillor Owen (Deputy)
3.	Councillor Boyle
4.	Councillor J. Fitzpatrick
5.	Councillor Kitchen
6.	Councillor N. Sharif
Conservative	
7.	Councillor Costello

**STRATEGIC PLANNING AND CAPITAL MONITORING PANEL**

9 Members (Labour 8: Conservative 1)

Labour	
1.	Councillor Warrington (Chair)
2.	Councillor Cooney
3.	Councillor Fairfoull
4.	Councillor Feeley
5.	Councillor McNally
6.	Councillor Newton
7.	Councillor Reid
8.	Councillor Ryan
Conservative	
9.	Councillor Dickinson

**DEMOCRATIC PROCESSES WORKING GROUP**

11 Members (Labour 10: Conservative 1)

Labour	
1.	Councillor Cooney (Chair)
2.	Councillor Fairfoull
3.	Councillor Feeley
4.	Councillor J. Fitzpatrick
5.	Councillor Kitchen
6.	Councillor Reid
7.	Councillor Ryan
8.	Councillor M. Smith
9.	Councillor Ward
10.	Councillor Warrington
Conservative	
11.	Councillor Billington

## HEALTH AND WELLBEING BOARD

4 Executive Members

Labour	
1.	Executive Leader (Chair)
2.	Deputy Executive Leader (Children and Families)
3.	Executive Member (Housing, Planning and Employment)
4.	Executive Member (Adult Social Care and Health)

## STRATEGIC COMMISSIONING BOARD

8 Executive Members

Labour	
1.	Executive Leader (Chair)
2.	Deputy Executive Leader (Children and Families)
3.	Executive Member (Finance and Economic Growth)
4.	Executive Member (Adult Social Care and Health)
5.	Executive Member (Housing, Planning and Employment)
6.	Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
7.	Executive Member (Neighbourhoods, Community Safety and Environment)
8.	Executive Member (Transport and Connectivity)

## PLACE AND EXTERNAL RELATIONS SCRUTINY PANEL

19 Members (Labour 17: Conservative 2)

Labour	
1.	Councillor Glover (Chair)
2.	Councillor Mills (Deputy)
3.	Councillor Bowerman
4.	Councillor Cartey
5.	Councillor Choksi
6.	Councillor J Fitzpatrick
7.	Councillor P. Fitzpatrick
8.	Councillor Gosling
9.	Councillor A. Holland
10.	Councillor J. Homer
11.	Councillor Jones
12.	Councillor Lewis
13.	Councillor Naylor

## EDUCATION ATTAINMENT IMPROVEMENT BOARD

6 Members (Labour 5: Conservative 1)

Labour	
1.	Councillor Feeley (Chair)
2.	Councillor Boyle
3.	Councillor Cooper
4.	Councillor Fairfoull
5.	Councillor M. Smith
Conservative	
6.	Councillor Welsh

## INTEGRATED CARE AND WELLBEING SCRUTINY PANEL

15 Members (Labour 13: Conservative 2)

Labour	
1.	Councillor T. Smith (Chair)
2.	Councillor S. Homer (Deputy)
3.	Councillor Affleck
4.	Councillor Alam
5.	Councillor Boyle
6.	Councillor Cooper
7.	Councillor Drennan
8.	Councillor Jackson
9.	Councillor Martin
10.	Councillor Owen
11.	Councillor Pearce
12.	Councillor N. Sharif
13.	Councillor Sweeton

14.	Councillor North
15.	Councillor Patel
16.	Councillor Robinson
17.	Councillor T. Sharif
<b>Conservative</b>	
18.	Councillor Billington
19.	Councillor Chadwick

<b>Conservative</b>	
14.	Councillor Patrick
15.	Councillor Welsh

### STANDARDS COMMITTEE

*Allowance will only be payable to Independent Person and Deputy Independent Person)*

**Chair** Valerie Bracken (Independent)  
Mrs J Barnes (Independent) together with Councillors Boyle, Dickinson, McNally, Ricci and M. Smith and Parish Councillor Travis (substitute Parish Councillor S Homer)

### **OUTSIDE BODY APPOINTMENTS**

Other than the following bodies any other appointment will be made by the Executive Leader following a recommendation by the relevant Executive Member for example: Citizens Advice Bureau, Ring & Ride Steering Group

<b>GM Combined Authority</b>	Executive Leader
	Substitute: Deputy Executive Leader
<b>AGMA Executive Board</b>	Executive Leader
	Substitute: Deputy Executive Leader
<b>Police and Crime Panel</b>	Councillor Gwynne
<b>GM Planning and Housing Commission</b>	Executive Member (Housing, Planning and Employment)
<b>Combined Authority Scrutiny Committee</b>	Councillor Glover Councillor T. Smith Councillor S. Homer Councillor Mills Councillor Billington Councillor Welsh
<b>GM Health Scrutiny Panel</b>	Councillor S. Homer Substitute: Councillor T. Smith
<b>Joint Scrutiny Panel for Pennine Care Mental Health Trust</b>	Chair and Vice Chair of Integrated Care and Wellbeing Scrutiny Panel Councillor Patrick
<b>GM Health and Social Care Strategic Partnership Board</b>	Executive Leader Deputy Executive Leader (substitute)
<b>GM Joint Health Commissioning Board</b>	Councillor Warrington
<b>GM Reform Committee</b>	Deputy Executive Leader
<b>Greater Manchester Pension Fund</b>	Councillor Warrington (Chair)
	Councillor Cooney (Deputy Vice-Chair)
	Councillor M. Smith (Vice-Chair)
	Councillor J. Homer
	Councillor J Naylor
	Councillor Newton
	Councillor Patrick
	Councillor Ricci
	Councillor T Sharif
	Councillor Ward
Councillor Wills	

	Councillor Ryan (Observer)
	Councillor Pantall (Observer)
<b>Local Pensions Board</b>	Employer Reps:
	Councillor Fairfoull (Chair)
	R Paver
	J Hammond
	P Taylor
	Scheme Member Reps:
	M Rayner
	D Schofield
<b>Pension Fund Working Groups:</b>	
Administration Employer Funding Viability	Chair: Councillor M. Smith
Investment Monitoring and ESG	Chair: Councillor Cooney
Policy and Development	Chair: Councillor Warrington
<b>Transport for Greater Manchester Committee</b>	Executive Member for Transport and Connectivity
<b>GM Waste &amp; Recycling Committee</b>	Councillor Gwynne Councillor Boyle
<b>AGMA Statutory Functions Committee</b>	Relevant Executive Member or nominee
<b>GM Culture &amp; Social Impact Fund Cttee</b>	Councillor Feeley Sub- Councillor M. Smith

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<b>Report to:</b>	<b>COUNCIL</b>
<b>Date:</b>	25 May 2021
<b>Executive Member</b>	Councillor Allison Gwynne – Executive Member (Neighbourhoods, Community Safety and Environment)
<b>Reporting Officer:</b>	Ian Saxon –Director (Operations and Neighbourhoods)
<b>Subject:</b>	<b>LICENSING POLICY EXTENSION</b>
<b>Report Summary:</b>	The report recommends the restatement of the current Statement of Licensing Policy for one year and for a full review and consultation being conducted in 2021/2022. This approach will enable the full review to take into account the impact of the Coronavirus pandemic on licensed businesses.
<b>Recommendations:</b>	That the Executive Cabinet RECOMMENDS to Council the re-statement of the current Statement of Licensing Policy for one year, subject to a full review and consultation process being conducted in 2021/2022. This approach will enable the updated Policy to take into account the impact of the Coronavirus pandemic on the licensed sector.
<b>Corporate Plan:</b>	The Licensing Policy is an integral part of the Council's role in promoting a safer borough by ensuring businesses adhere to regulatory compliance.
<b>Policy Implications:</b>	The proposals concern the Council's Statement of Licensing Policy under the Licensing Act 2003.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	There are no direct financial implications arising from this report. However, Members should note that the various annual licence fee levels are approved by the Council within the Council's annual budget report. The licence fee levels for the 2021/22 financial year were approved on 23 February 2021 and are provided within Appendix 22 of the aforementioned report.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<p>Under LA 2003, licensing authorities are required to prepare and consult on a statement of licensing policy (SLP), setting out their strategic approach to local licensing, every five years. A number of councils' policies are due to be reviewed this year to ensure they comply with the five-year cycle, including Tameside Metropolitan Borough Council's.</p> <p>The current emergency position has hindered physical meetings and has had an effect on the licensing authority's ability to progress the review and comply with the statutory requirements on consultation with stakeholders.</p> <p>If an Authority is concerned about its ability to carry out an effective review of policy at this point in time, they may wish to consider consulting on the retention of the existing policy (with any obvious amendments) in the short term, and then subsequently conduct a more detailed review if necessary within the 3 or 5 year cycle.</p> <p>This report is proposing this, with an extension of one year of the current policy at <b>Appendix 1</b>; so that a detailed review can be</p>

progressed and comply with the statutory requirements on consultation with stakeholders.

The Local Government Association has flagged to the Home Office that this should be acceptable, assuming work is progressed once some level of normality has returned.

The licensing policy will be a material consideration when the Council is considering applications and reviewing licenses under the statutory code.

Failure to extend the current licensing policy would leave the Authority vulnerable to challenge and would prohibit the Licensing committee making any decisions. The Authority would also have failed to comply with the duty imposed on it by Section 5 of the Licensing Act 2003.

**Risk Management:**

The Council has a statutory duty to have a Licensing Policy in place. By re-instating the current policy for a year, it is expected that the impact of Covid-19 on licensed industries can then be better assessed to enable a thorough review of the Licensing Policy.

**Background Information:**

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection and Regulatory Services:



Telephone: 0161 342 2277



e-mail: [sharon.smith@tameside.gov.uk](mailto:sharon.smith@tameside.gov.uk)

## **1. INTRODUCTION**

- 1.1 Section 5 of the Licensing Act 2003 requires Tameside Council to review its Licensing Policy every 5 years. The Council's previous policy was approved at Full Council on 21 January 2016.
- 1.2 Ordinarily a revised policy statement would be prepared, approved for consultation and a 12-week public consultation be carried out in advance of a final revised policy being approved.
- 1.3 Due to the extraordinary impact of the Coronavirus pandemic in 2020, this full review has not been able to take place.
- 1.4 The Government have clarified that primary legislation would not be amended to delay the requirement for Councils to review statements of licensing policy.
- 1.5 Therefore, it is proposed to carry over the current policy subject to a full review being carried out in 2021/2022.
- 1.6 Responsible authorities and licensed trade networks have been informally consulted on this proposed approach.

## **2. REASONS FOR THIS APPROACH**

- 2.1 The impact of the Coronavirus pandemic on licensed premises and night time economy has been severe. Several licensed premises have closed due to the pandemic and venues such as nightclubs have been unable to open since March 2020 and it is not clear what the lasting impacts on the sector will be.
- 2.2 The revised policy will need to effectively reflect the situation post-Covid as we move beyond the pandemic.

## **3. UPDATES TO POLICY**

- 3.1 Only the foreword of the policy has been updated. A copy is provided at **Appendix 1**.

## **4. RECOMMENDATIONS**

- 4.1 As set out at the front of the report.

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**TAMESIDE  
METROPOLITAN  
BOROUGH COUNCIL**

**Statement of Licensing Policy  
2021 - 2022**

## Foreword from Cllr Allison Gwynne, Executive Member for Environmental Services



This is the Council's fourth statement of licensing policy and covers the period from February 2016 to February 2021. It provides an opportunity to develop the Council's approach to administering the Licensing Act 2003, taking into account other related policies and strategies.

The policy reflects the increasingly innovative approach taken by Tameside Council in addressing issues related to licensable activities and in particular the sale, supply and consumption of alcohol.

The council recognises that Tameside is nationally ranked very highly as an area which suffers from alcohol related harm, especially health-related harms and crime & disorder. This policy reflects the work already being carried out by the council in building partnerships with other agencies and working collectively to tackle alcohol-related harms.

It also demonstrates that the council is willing to work creatively and innovatively by making full use of all available powers and legislation in its approach to administering licences and licensed premises within the borough.

In addition, the policy is also designed to encourage operators and licence holders to remain compliant and to run businesses which make a positive contribution to the local area and towards improving the lives of Tameside residents.

This statement of licensing policy not only outlines how the Licensing Authority will act to promote the four current licensing objectives, but it also demonstrates how it will promote the protection and improvement of public health across the borough, as well as supporting Tameside Council's vision:

To maximise the wellbeing of the people of the borough by:

- Supporting economic growth and opportunity
- Increasing self-sufficiency and resilience of individuals and families
- Protecting the most vulnerable.

**Updated Foreword from Cllr Allison Gwynne, Executive Member for Neighbourhoods,  
Community Safety and Environment.**

**February 2021**

Due to the ongoing impact of the Coronavirus pandemic, it has not been appropriate for the Council to conduct the full review and consultation process to update the Licensing Policy in 2020 as originally anticipated.

In these extraordinary times the Government have clarified that primary legislation would not be amended to delay the requirement for Council's to review statements of licensing policy.

The current Licensing Policy is therefore to be re-instated for a further year, subject to a full review and consultation process to take place in 2021/2022. This will enable the Council to assess further the impact of the Coronavirus pandemic on the licensed sector and ensure the updated Policy reflects this impact.

That said, the objectives of the Licensing Policy explained in the original foreword above, and detailed in the Policy below, continue to remain important objectives and promote a safer Tameside.

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## **Background to this Statement of Licensing Policy**

- 1.1 Section 5 of the Licensing Act 2003 requires each licensing authority to publish a statement of its licensing policy at least every five years. The previous statement of licensing policy was approved by Tameside Council on 22 February 2011. This statement is a completely new policy designed to reflect the significant changes which have taken place in the last five years in respect of the Licensing Act 2003 and the way in which Tameside Council undertakes its licensing functions. It is also designed to set out the council's ambitions, strategies and policies relating to licensing for the next five years.
- 1.2 The previous statement of licensing policy set out the procedures in which the council would consider applications for licences. This new statement of licensing policy also covers applications for licences, but in addition, sets out the council's requirements and expectations for existing licence holders and licensed businesses and the actions it expects such businesses to take in order to promote the licensing objectives. It also sets out the council's approaches to ensuring such businesses remain compliant with their licences and the action it will take – in partnership with other organisations and responsible authorities – when licensing and other legislation is breached.
- 1.3 The policy also recognises that public health – and the effect of alcohol consumption on public health – is of serious concern and that Tameside is ranked very highly, both regionally and nationally, in terms of alcohol-related health harms. Although public health is not currently a licensing objective, the policy recognises the recent introduction of public health bodies as a responsible authority, and outlines the positive steps it expects the holders of premises licences to undertake in order to promote public health.

### **1.4 Licensable Activities**

For the purpose of the 2003 Act, and therefore for the purposes of this statement of licensing policy, the following are licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

## 1.5 Authorisations or permissions

The 2003 Act provides for four different types of authorisation or permission, to which this statement of licensing policy also relates, as follows:

- Premises licence – to use premises for licensable activities;
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in section 1 of the Act;
- Temporary event notice – to carry out licensable activities at a temporary event; and
- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

1.6 In addition, two further permissions are to be introduced following the commencement of the licensing provisions of the Deregulation Act 2014. These two new permissions are:

- Community event notice; and
- Ancillary business sales notice

Once these new provisions have been enacted, this policy will relate to these notices in the same way it relates to all current licences and notices.

## 1.7 Licensing Objectives

In exercising its functions, the licensing authority will have regard to the licensing objectives as set out in section 4 of the Act, and will carry out its functions under the Act with a view to promoting these objectives. The licensing objectives are:

**The prevention of crime and disorder**

**Public safety**

**The prevention of public nuisance**

**The protection of children from harm**

1.8 In addition to these four existing licensing objectives, the licensing authority also expects holders of premises licences or other permissions which allow the sale or supply of alcohol for consumption on or off the premises to carry out their activities with a view to promoting:

# The Protection and Improvement of Public Health

## 1.9 Home Office Guidance

The statement of licensing policy takes into account guidelines issued under section 182 of the Licensing Act 2003.

## 1.10 Corporate Objectives

The statement of licensing policy is designed to support Tameside Council's vision, as described in the corporate plan:

**To maximise the wellbeing of the people of the borough by:**

- ***Supporting economic growth and opportunity***
- ***Increasing self-sufficiency and resilience of individuals and families***
  - ***Protecting the most vulnerable.***

## 1.11 Functions within the Council

The Council has a number of different functions under the Act, including acting as both the Licensing Authority and as a number of different responsible bodies. For this reason, the Licensing Policy refers to the Council as the Licensing Authority and individual responsible bodies by their departmental names, notwithstanding they are also part of the same Council.

1.12 A summary of the scheme of delegation is attached at **Appendix 1** on page 28.

## 1.13 Limitations of the Statement of Licensing Policy

This statement of policy does not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

1.14 In addition, the statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

1.15 The council is clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from a licensed premise and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town centres.

## 1.16 Conditions

The council accepts that licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and conditions attached to various authorisations will be focused on matters which are

within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

#### 1.17 **Planning etc.**

Planning permission, building control approval and licensing regimes are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters. The council's Speaker's panel (Liquor Licensing) is not bound by decisions made by the Speaker's panel (Planning), and vice versa.

- 1.18 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant or licence holder must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The council's planning function is, however, a responsible authority under the Licensing Act and by working in partnership with officers from the Licensing Department, the council will aim to ensure that the planning and licensing regimes avoid any possible conflict between the two regulatory regimes.

#### 1.19 **Promotion of Equality**

It is recognised that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

- 1.20 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 1.21 In order to ensure compliance with this legislation, an equality impact assessment will be conducted.

#### 1.22 **Partnership Working**

The Council is keen to work closely with existing partner agencies and to build working relationships with new partners with a view to promoting the licensing objectives.

- 1.23 Regular meetings are held with partners to ensure that any problem premises or other emerging issues are identified early and to enable strategies to be implemented quickly to prevent issues from developing.

#### 1.24 **Enforcement & Compliance**

The Council is working closely with all 9 other Greater Manchester authorities to develop a joint enforcement and compliance guide. This guide will outline all available enforcement and compliance options available to local authorities and will ensure a consistent approach to these issues across Greater Manchester.

- 1.25 As such, this statement of licensing policy does not outline in detail the council's approach to enforcement and compliance issues. When the joint guide is complete, it will be included as an appendix to this policy.

## 1.26 **Late Night Levy / Early Morning Restriction Orders**

In April 2012, the Licensing Act 2003 was amended by the Police reform and Social Responsibility Act 2011. There were a number of changes included in the amendments, including the opportunity for Local Authorities to introduce Early Morning Restriction Orders (EMROs) and a Late Night Levy.

1.27 Both of these options were considered by the council and although it was felt that an EMROs were not currently suitable for Tameside, the Council took the decision to consult on the question of introducing a Late Night Levy.

1.28 The Levy is a financial contribution towards policing the night-time economy from those alcohol licensed premises which are licensed until the early hours of the morning. The amount paid depends on the rateable value of the premise. Those paying the lowest level of business rates would pay £299 per year, whereas the largest businesses would pay around £1500 per year.

1.29 Following a full public consultation, the question as to whether the Council should introduce a levy was put to the full Council on 16 September 2014. The decision of the Council was that it would not introduce a Late Night Levy in Tameside at that time, but the Council did resolve that:

*“The Council would introduce a late night levy if the legislation allowed us to confine it to town centres rather than having to have a blanket policy across the whole borough”*

## 1.30 **Alcohol Delivery Services**

There are considerable risks associated with the provision of “to the door” alcohol delivery services and these types of businesses are particularly difficult to regulate.

1.31 The Licensing Authority recognises that alcohol can be delivered safely and appropriately to households as part of a wider grocery delivery or similar service. Equally, however, the Authority also recognises that businesses which operate solely with the intention of delivering alcohol to home addresses, often at unsocial hours or at times when other alcohol retail outlets are closed, bring with them a significant risk of undermining the licensing objectives.

1.32 As such, any applications for premises licences which would allow the home delivery of alcohol will be scrutinised very closely by the licensing authority and must contain sufficient measures within the operating schedule to satisfy the authority that the business will operate fully within the conditions of their licence, and in a way which promotes the licensing objectives.

1.33 In particular, the policy of the council will be to refuse any applications for “alcohol only” delivery services (and services whereby a limited supply of other goods is available alongside alcohol). Such businesses are extremely difficult to regulate and the authority takes the view that – unless the applicant can demonstrate to a very high degree that their business will actively promote the licensing objectives – the general policy will be to refuse such applications.

# Prevention of Crime & Disorder

## 2.1 Introduction & Partnership Working

The licensing authority looks to the police as the main source of advice on crime and disorder, but where appropriate, we will also seek to involve the local Community Safety Partnership (CSP). Tameside Licensing Department has built close links with Greater Manchester Police and other partner organisations such as HMRC and the Home Office Immigration Authority. We will continue to build on these existing partnerships, and to forge new partnerships in order to ensure that all available compliance and enforcement powers are used where appropriate, and to ensure that all relevant information from partner organisations and responsible authorities are taken into account when making licensing decisions.

## 2.2 The Security Industry Authority

In the exercise of its functions, the licensing authority seeks to co-operate with the Security Industry Authority (“SIA”) as far as possible and will consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

## 2.3 Conditions

Conditions will be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that crime or disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 When addressing crime and disorder, an applicant for a premise licence should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the crime and disorder objective. Such steps, as are required to deal with these identified issues, should be included within the applicant’s Operating Schedule, and will be translated into appropriate, enforceable conditions by the licensing officer.

2.5 A comprehensive list of potential conditions is attached at **Appendix 2**.

## 2.6 **CCTV**

In partnership with Greater Manchester Police, Tameside Council has developed a comprehensive and detailed CCTV condition which will ensure, where appropriate, that any CCTV system installed at a licensed premise will provide sufficient coverage and provide images of a suitable quality. The condition also ensures that footage is stored for an appropriate time period, that the CCTV system is regularly tested and that footage can be provided – immediately if necessary – to police and other responsible authorities on request. This CCTV condition can be viewed at **Appendix 2** on page 30.

2.7 Although it is not the policy of the Council to impose blanket conditions on all licensed premises, the benefits of good CCTV systems in licensed premises are clear and such systems have proved invaluable in both preventing crime and disorder, and in helping to detect crimes, ranging from minor shoplifting through to murder. All applicants for new premises licences to allow the sale or supply of alcohol by retail for consumption on or off the premises are therefore encouraged to consider installing a CCTV system and where appropriate, such applicants will be encouraged to add the Council's CCTV condition to their licence.

2.8 In addition, where incidents of crime and/or disorder have occurred at licensed premises, the Licensing Department, together with Greater Manchester Police and other partners, may request a premises licence holder to amend their premises licence by way of a minor variation to add the CCTV condition if it is felt it is appropriate. The use of minor variation as an alternative to a review of a premises licence will be offered in some circumstances where officers from responsible authorities have sufficient evidence to apply for a review of the premises licence, but the premises licence holder is willing to negotiate an appropriate outcome such as the addition of conditions to the licence, reduction of licensed hours etc.

## 2.9 **Door Supervision**

Conditions relating to the provision of door supervisors and security teams are valuable in town centre locations and premises operating after 9.00pm in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder or local Pubwatch scheme);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

2.10 Where door supervisors conducting security activities are to be a condition of a licence, conditions may also need to deal with the number of such supervisors, the displaying



of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

#### **2.11 Glass Control**

Glass can be a major factor in disturbances around licensed premises and the Council may impose special conditions on certain types of venue in relation to glass control both within the premises, at disposal points and through unauthorised removal of glass from the premises.

2.12 In particular, the Authority may consider it appropriate to ensure licensed premises have regular glass collection services in certain types of venue and keep control of waste bottles & glasses.

2.13 It should be noted that the use of plastic, polycarbonate or paper drinks containers and toughened glass may also be relevant as measures appropriate to promote the reduction of crime and disorder and public safety.

#### **2.14 Pubwatch**

Tameside Council recognises that voluntary schemes can be an effective alternative method of reducing crime and disorder and improving the collective licensed trade within particular localities.

2.15 Pubwatch schemes have been introduced in several Tameside towns and they continue to grow in popularity and attendance. The licensed trade in Droylsden in particular have developed an extremely well-attended and effective Pubwatch scheme which has helped to dramatically reduce crime and disorder, helped to effectively tackle organised crime groups and drug dealing and generally improve the image of the licensed trade within Droylsden.

2.16 The Council will continue to actively encourage holders of premises licences and designated premises supervisors to attend their local Pubwatch groups, and to set up such groups where they do not currently exist. Members are encouraged to take a “barred from one, barred from all” approach in dealing with disruptive customers. Pubwatch members will also be encouraged to subscribe to the Pubwatch online service which allows members to share photographs and information about barred members whilst remaining compliant with data protection legislation.

#### **2.17 Drugs**

All Licensed premises within Tameside are expected to adopt a “zero tolerance” policy in respect of the sale, supply and use of illegal drugs. Operators of premises which are licensed to sell or supply alcohol for consumption on the premise are expected to be aware of any drug activity which may be taking place within their premises and to take appropriate action to stop such activity, and prevent it from taking place.



- 2.18 Steps which licensees are expected to take include regular checks of the toilet areas, monitoring of suspicious behaviour and the display signage which makes clear that drug use will not be tolerated within the premises.
- 2.19 Operators of premises which are licensed to sell or supply alcohol for consumption off the premises must also adopt a zero tolerance approach towards the sale, supply and use of illegal drugs. In particular, the Council does not expect any licensed premises to sell, supply or advertise any drug-related paraphernalia such as bong pipes, grinders and small plastic “snap” bags commonly used for the supply of drugs.
- 2.20 Premises licence holders, designated premises supervisors and any other staff employed at licensed premises within Tameside are expected to report any instances of drug supply or use within or in the vicinity of their premise to the police or the local authority as soon as practicable.
- 2.21 **New Psychoactive Substances (Legal Highs)**

Section 10.25 of the guidance issued under s182 of the Licensing Act 2003 states:

*New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. The sale of new psychoactive substances (NPS) – so called “legal highs” – is not regulated under the 2003 Act. However, licensing authorities may wish to consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at a licensed premises, including at off-licences, or, for example, for on-trade premises to impose a door policy. Some NPS products may contain controlled drugs, and therefore be illegal, in which case the licensing authority should involve the police and consider applying for a review of the premises licence on crime and disorder grounds. But some NPS are not illegal. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol.*

- 2.22 Although the Government is in the process of developing new legislation to ban all new psychoactive substances, the Council’s policy is that no licensed premises will be allowed to sell, supply, advertise or keep as stock any type of “new psychoactive substances” (NPS) commonly known as “legal highs”. This includes any substance which mimics the effects of illegal drugs, irrespective of whether the substance is labelled as “not for human consumption” and also includes nitrous oxide in any form.
- 2.23 In addition, any other substance, item or other thing which may, from time-to-time be identified as having an intoxicating effect by the police or local authority must not be sold, supplied, advertised or kept in stock at any licensed premise. Where appropriate, conditions in respect of NPS will be attached to premises licences.
- 2.24 **Supply of Illegal, Illicit, Smuggled or Counterfeit Alcohol**

The supply of illegal, illicit, smuggled and counterfeit alcohol puts the public at risk of serious harm and is linked to serious and organised criminal gangs. The Council expects the holders of premises licences which permit the sale and supply of alcohol by retail to have strong policies and procedures in place to prevent such activity.

- 2.25 In particular, premises licence holders, designated premises supervisors and anyone else employed at licensed premises must ensure that alcohol sold or supplied to the public has only been obtained from legitimate sources.
- 2.26 As a minimum, the council expects such stock to only be purchased from legitimate and recognised suppliers, and for premises to keep a record of where they have obtained the stock and to retain all receipts for such stock and produce them for inspection by any responsible authority on request.
- 2.27 Stock must not be purchased from any unidentified individuals travelling from premise-to-premise selling alcohol from a vehicle.
- 2.28 Where appropriate, conditions in respect of such activity will be attached to premises licences.
- 2.29 **Employment of illegal immigrants**

The Council expects holders of premises licences, designated premises supervisors and anyone else associated with the management of licensed premises to have sufficient policies and procedures in place to ensure that no person who is unlawfully in the UK, or who cannot lawfully be employed as a result of a condition on their leave to enter, is employed at a licensed premise.

## **Public Safety**

### **3.1 Fire Safety**

Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

3.2 Consideration should be given to conditions which deal with Living accommodation attached to or accessed via Licensed Premises, such as:

- ensuring that sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons
- ensuring adequate fire separation and means of escape is provided between the mixed use premises.

### **3.3 Risk Assessments**

When addressing public safety, an applicant or licence holder should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

3.4 It is also recognised that special issues may arise in connection with outdoor and large scale events. Risk assessment must be used to assess whether any measures are necessary in the individual circumstances of any premises.

### **3.5 Disability**

Consideration should be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

### **3.6 Special Effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or

mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flames;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products), and;
- explosives and highly flammable substances.

3.7 It may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority or the fire authority.

### 3.8 **Transport**

Consideration should be given to conditions that deal with:

- the adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises (including procedures for preventing people from consuming excess alcohol and driving);
- ensuring that any arrangements or advertising of taxis and private hire vehicles only relate to such vehicles licensed by the Authority;

### 3.9 **Hypnotism**

If an applicant or licence holder wishes to host any performance of stage hypnotism at any time this should be detailed in the Operating Schedule. In the event of any performance of stage hypnotism the council will normally require written request for consent in accordance with section 1 of the Hypnotism Act 1952. Where consent is given for this type of entertainment the council will impose specific licence conditions.

# The Prevention of Public Nuisance

## 4.1 Introduction

The Licensing Act 2003 covers a wide variety of premises which require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is important that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants and neighbours against these risks as far as is practicable.

- 4.2 When addressing public nuisance an applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
- 4.3 If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 4.4 A comprehensive list of potential conditions is attached at **Appendix 2**
- 4.5 The following options should be considered as measures which, if appropriate, would promote the prevention of public nuisance.
- 4.6 Noise or vibration should not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- 4.7 Prominent, clear and legible notices should be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 4.8 The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted (particularly ensuring that firework parties are not managed by persons consuming alcohol), that adequate safety precautions are in place, that fireworks are not set off between 2300hrs and 0700hrs (except on 31st December/1st January).
- 4.9 Conditions may include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.
- 4.10 The council is particularly keen to encourage responsible business owners to deal with waste and litter effectively and responsibly. In particular, it expects that the responsible

person ensures that the areas outside of premises are kept clean, tidy and free from litter and the premise provides sufficient litter/cigarette bins.

- 4.11 In addition, holders of premises licences and club premise certificates are expected to fully comply with all legal requirements in relation to the disposal of their trade waste and to ensure they have an appropriate trade waste contract with an approved disposal company.

# Protection of Children from Harm

## 5.1 Introduction

The protection of children from harm is a key licensing objective and one which Tameside Council seeks to promote rigorously. Holders of premises licences, club premises certificates and other permissions under the licensing act are expected to ensure that their activities are always carried out with the intention of protecting children from harm.

5.2 The council particularly expects licensed businesses to work actively to prevent:

- Child sexual exploitation;
- The sale or supply of alcohol to persons under the age of 18;
- The sale or supply of alcohol to adults seeking to purchase on behalf of persons under the age of 18;
- The sale or supply of any other age restricted products to underage persons;
- Access by children to gambling activities;
- Access by children to any entertainment of a sexual nature.

## 5.3 Child Sexual Exploitation

Child sexual exploitation involves children being groomed and then sexually abused. Tameside Council recognises that child sexual exploitation is a major child protection issue both locally and across the UK.

5.4 The council takes a strict “zero tolerance” approach in respect of child sexual exploitation and expects licensed businesses to do the same. Applicants for premises licences and other permissions are expected to make reference to child sexual exploitation in their operating schedules and to adopt licence conditions protect children from abuse and grooming.

5.5 Measures designed to prevent underage sales and other harmful activities will have the secondary effect of preventing child sexual exploitation by reducing or removing opportunities for abusers to groom children for sexual purposes.

## 5.6 Underage Sales & Age Verification

The council expects licenced businesses to work rigorously to prevent the sale or supply of alcohol to children. The mandatory licence conditions include a condition which requires all premises which are licensed to sell or supply alcohol to adopt an age verification policy whereby those who appear to be under 18 will be asked to provide photographic i.d. to prove their age before selling or supplying them with alcohol.

- 5.7 The council requires licensed businesses to go further than the requirements of the mandatory conditions and expects premises which are licensed for the sale or supply of alcohol to adopt the voluntary “challenge 25” scheme. This scheme requires members of staff who carry out sales of alcohol to request photographic i.d. from anyone who appears to be under the age of 25 years. This does not preclude anyone over the age of 18 from purchasing alcohol, but does provide a much clearer framework for staff members in deciding when to ask for i.d.
- 5.8 Applicants for premises licences or other permissions to sell or supply alcohol are expected to include the challenge 25 scheme within their operating schedules and it will be included as a condition where appropriate.
- 5.9 Holders of premises licences and other permissions to sell or supply alcohol and their designated premises supervisors must ensure that all staff employed at their premises receive regular training. Training must include child protection issues and the prevention of underage sales and proxy sales. Where appropriate this policy will be added as a condition to premises licences or other permissions.
- 5.10 When asking for photographic i.d. the council expects licensed businesses and their staff to only accept the following forms of identification:
- Passport;
  - Photocard driving licence, or;
  - PASS accreditation system, which aims to approve and accredit various ‘proof of age’ schemes which are in existence

5.11 **Access to Premises by Children**

Under the Licensing Act, a wide variety of licensable activities can take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the council will consider a range of conditions which can be tailored to a particular premises where appropriate. These could include:

- The times during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- Types of event or activity in respect of which no age restrictions may be needed, for example family entertainment or non-alcohol events for young age groups, such as under 18s dances;
- Similarly, types of event or activity, which give rise to a more acute need for age restrictions than normal, for example; during “Happy Hours” or on drinks promotion nights.



## 5.12 **Display of Films etc.**

In the case of premises giving film exhibitions, the licensing authority expects the holders of premises licences or other permissions to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.

# The Protection and Improvement of Public Health

## 6.1 Introduction

Tameside Council recognises that the instances of alcohol-related health harms across the borough are disproportionately high and that Tameside ranks very highly both regionally and nationally in respect of alcohol-related health harms.

6.2 Since the adoption of the previous statement of licensing policy, the Police Reform and Social responsibility Act 2011 amended the Licensing Act by adding local directors of public health to the list of responsible authorities, meaning that local public health bodies are now consulted in respect of every licensing application processed by the local authority.

6.3 Although the Government did not go as far as introducing a 5<sup>th</sup> licensing objective of “promoting public health”, the introduction of public health as a responsible authority went some way towards starting to reduce alcohol-related health harms through use of licensing legislation.

## 6.4 Promotion of Public health

In view of the extremely high levels of alcohol-related health harms across the borough, Tameside Council expects applicants for premises licences (and other permissions which allow the sale or supply of alcohol) to include statements in their operating schedules as to how they will actively promote the protection and improvement of public health.

6.5 Current holders of premises licences and other permissions which allow the sale or supply of alcohol are also expected to promote the protection and improvement of public health.

## 6.6 Possible Measures

Some of the possible measures which licensed businesses should consider are listed below:

### 6.7 Reducing the Strength or Responsible Retailing of High Strength Products

The council recognises the significant harm caused by the sale of very cheap, very strong alcoholic drinks – specifically high strength lagers and ciders with an abv (alcohol by volume) over 6.5%.

6.8 Holders of premises licences and other permissions which allow the sale or supply of alcohol are asked to consider implementing the principles of the “reduce the strength” campaign by removing from sale lagers and ciders with an abv of 6.5% and above, and stopping selling these products.

6.9 Where licence holders choose to continue selling such products, the council encourages them to take a responsible approach to how these items are displayed and sold. For example, they should consider reducing the size of their display for these items and possibly place them out of reach to the general public, so that they can only be purchased by asking a member of staff.

#### 6.10 **Intervention and Brief Advice**

Applicants and Licensed businesses should consider obtaining training for their staff in “intervention and brief advice”. This training – usually available free of charge from local public health bodies – teaches staff members how to recognise when people may have a drinking problem, and how to give them brief advice.

#### 6.11 **Voluntary Self Exclusion**

Where a voluntary self-exclusion scheme is in operation, licensed businesses are encouraged to participate in accordance with any advice or instructions given to them by the local authority or police.

## **Cumulative Impact**

### **7.1 Introduction**

Cumulative impact is a term used to describe the potential impact on the promotion of the licensing objectives where there are significant numbers of licensed premises concentrated in one area.

7.2 Licensing Authorities can adopt special policies in relation to cumulative impact where evidence is produced by one or more responsible authorities that the impact of a number of licensed premises in a specific geographical area is having an adverse effect on the promotion of the licensing objectives.

7.3 The effect of a special policy is to reverse the rebuttable presumption that the licensing authority will grant a premises licence or other permission for the sale or supply of alcohol. If a responsible authority submits a representation in which they provide evidence that the granting of a licence or permission (or an application to vary a licence or permission to allow longer hours for the sale/supply of alcohol) is likely to add to the existing cumulative impact of licensed premises, then the Licensing Authority will refuse that application unless the applicant can demonstrate that they will not add to the cumulative impact.

7.4 In simple terms, applicants must submit applications to a very high standard with sufficient measures in place to demonstrate that their premise will not add to the existing problems in that area.

### **7.5 Existing Cumulative Impact Policies**

In its previous statement of licensing policy, Tameside Council adopted two cumulative impact policies in Stalybridge town centre and Ashton-under-Lyne town centre.

7.6 For the purposes of this statement of licensing policy, these existing cumulative impact policies will remain as per the previous policy.

7.7 Tameside Council is committed to ensuring that the issue of cumulative impact is addressed appropriately in accordance with up-to-date statistics, particularly in relation to crime and disorder and public health. As such, the existing cumulative impact policies will be reviewed to ensure that they remain fit for purpose and relevant to the local area. The review of these policies will be carried out separately and the statement of licensing policy will be updated once this separate review has been carried out.

7.8 The existing special policies in relation to cumulative impact are reproduced below:

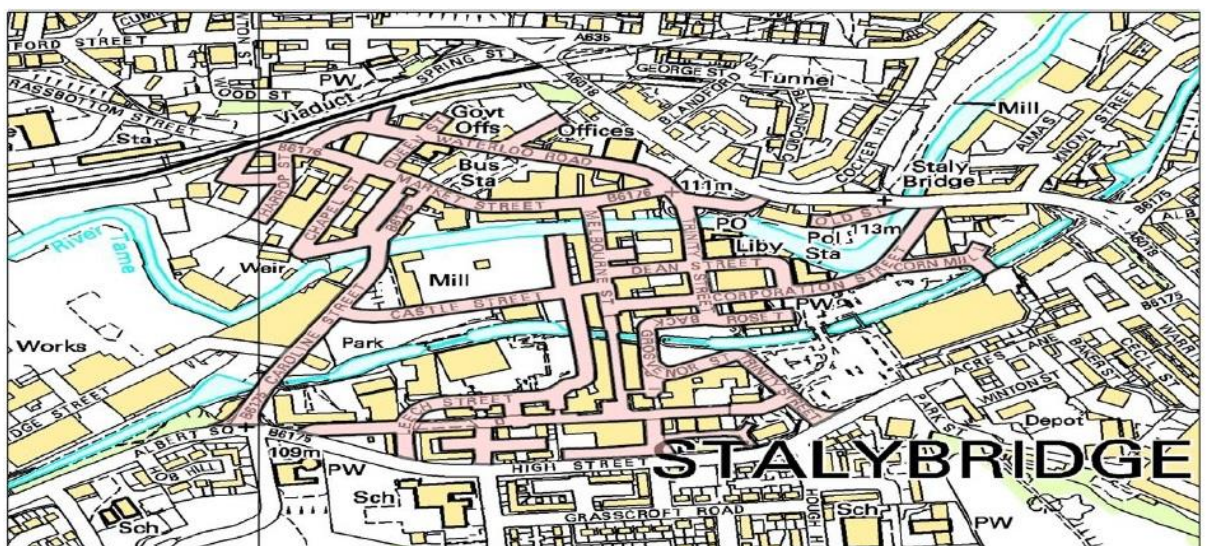
#### **4.51 CUMULATIVE IMPACT**

#### **4.52 Background information**

- 4.53 *Cumulative impact statement or saturation policy is a term used to describe the potential impact on the promotion of the four licensing objectives where there are significant numbers of licensed premises concentrated in one area. If there are large numbers of premises in an area then disorder and nuisance may arise when customers leave licensed premises either to go onto a venue with later licensing hours, or to congregate at takeaways or taxi ranks or walk home past residential properties. The impact of their behaviour is likely to be greater than when in the individual premises particularly as they may not be as aware of how loud or rowdy their behaviour is.*
- 4.54 *Paragraph 13.33 of the statutory guidance advises it would not be normally be justifiable to adopt a special policy on the basis of concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Section 4 of the Licensing Act provides that 'a licensing authority should have regard to guidance issued by the Secretary of State under S182 guidance' however the guidance states in section 1 it is permissible for the 'licensing authority to depart from the guidance provided they have reason to do so and are able to provide full reasons'.*
- 4.55 *The process of introducing a statement of cumulative impact begins with receiving representations from a responsible authority or an interested party accompanied with evidence that the addition of premises would produce the suggested negative impacts on the licensing objectives. This approach has been made by Greater Manchester Police G Division to look at the feasibility of introducing a cumulative impact policy for licensed premises in Stalybridge and Ashton Town Centres. .*
- 4.56 *The following steps must be taken when considering the adoption of a special policy on cumulative impact;*
- 4.56.1 *Identification of concerns about crime and disorder and public nuisance.*
- 4.56.2 *Consideration whether there is good evidence that crime and disorder or impact is imminent*
- 4.56.3 *Identification of the boundaries of the area where problems are occurring*
- 4.56.4 *Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation*
- 4.57.5 *Amend licensing policy statement to include details of special policy*

#### 4.57 Policy – On Licence premises

- 4.58 The cumulative impact policy adopted is to refuse applications for new premises licences, club premises certificates or variations which increase late night opening [for the supply of alcohol] in the centre of Stalybridge or the centre of Ashton-under-Lyne where a representation against granting the application has been made on the grounds granting it will or is likely to add to the existing cumulative impact. This policy will be strictly applied, but all cases will be considered on their merits. If the application can be granted in such a way so that the application would have demonstrable positive or neutral impact on the four licensing objectives then it will be granted,
- 4.59 The Council has a duty to consider section 17 of the Crime and Disorder Act and the impact on Crime and Disorder of each application.
- 4.60 The Council recognises that a minority of consumers behave badly. The Licensing Policy is not the only tool that can be used to address anti-social behaviour; it is part of a framework of measures listed in paragraph 1.39 of statutory guidance. LICENSING POLICY 2011 26
- 4.61 Examples of circumstances where it may be appropriate to grant an exemption include an application from a restaurant with reduced hours for sale of alcohol or an application which seeks to bring family entertainment or a type of entertainment with broad appeal to the area. This list is not exhaustive and there will be other examples.
- 4.62 The Council consider it is necessary for the cumulative impact policy to apply to streets in Stalybridge town centre as shown in the map below highlighted in pink;



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- 4.63 For the purposes of this policy, premises are in Central Stalybridge if they have a frontage onto the parts of Caroline St, Castle St, Leech street, Trinity



St, Back Grosvenor St, Melbourne St, Melbourne St, Dean St, Corporation St, Chapel St, Market St, Queen St, Waterloo Rd, Queen St and Harrop St as shown in the area marked on the plan.

4.64 This cumulative impact policy will also apply to Ashton Town Centre as shown in the map below:



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4.65 For the avoidance of doubt the premises which have a frontage to the parts of the roads/streets listed below and highlighted in pink on the map. These are Stamford Street Central, Old Street, George St, Cork St, Swan St, Old Cross St, Grey St, Church St, Crown St, Bow St, Mill Lane, Penny Meadow, Delamere St, Crown St, Fleet Street, Booth St, Warrington St, Wych St, Wood Street, Gas Street and Wellington Rd.

**4.66 Reason**

4.67 The Council are of the view the concentration of licensed premises in Stalybridge town centre particularly those licensed to trade beyond 2am contribute to an unacceptable level of crime and disorder and public nuisance in and around the Market Street area. The pattern of customers arriving into Stalybridge town centre has stretched later and later into the night with the effect the town does not get busy until after 23:00 or later. People appear to arrive into the town showing signs of intoxication. As the larger venues do not close until 3am – 4am it appears people are content to pre-load and then come out much later. The area is under stress because of the cumulative impact of the concentration licensed premises with late trading hours leading to crime and disorder and public nuisance.

4.68 The majority of licensed premises in Stalybridge offer the same type of entertainment which is predominately recorded music. They compete for the same clientele with the added pressure of declining footfall at night. A large

*number of the premises do not open during the day and do little to attract people into this part of the town during the day.*

- 4.69 *Evidence for this special policy has been obtained from Analysis of crime reports using the Simple2Start methodology and also analytical reports commissioned from GMAC (Greater Manchester against Crime) analysts. The analysis shows a trend of incidents of crime and disorder occurring later and later into the night and early morning particularly in and around the Market Street area. Premises in the town centre are located in close proximity to each other and the cumulative impact of the premises does put the area under stress. Residents suffer from the alcohol related ASB, criminal damage etc from people leaving the area at the same time.*
- 4.70 *The late night economy in Ashton town centre has suffered from a range of incidents of crime and disorder. Three premises have been subject to review proceedings leading to 2 revocations and one modification of the premises licence. This policy will support the aims stated in the Ashton town centre strategy supplementary planning document.*
- 4.71 *In Ashton under Lyne a large number of premises have ceased trading in the last 4-5 years but these premises have mainly retained their premises licence. There are many reasons why the late night economy declined with rapid haste. The important point to focus on is there is now an opportunity to rebuild the night time economy by setting out the expectations of council and partners to operators. The experience of the council is that whilst in theory granting late hours to premises may stagger closing times and encourage gradual dispersal, the experience in Tameside has been that once one premises applies for a post 2am terminal hour competitors do the same. This leads to people consuming alcohol over a longer period of time leading to an increase in alcohol related ASB, criminal damage, assaults etc. So the police and local residents continue to experience the effects of everyone leaving at the same time but this happens later on.*
- 4.72 *The 'cumulative impact' of the granting of a new premises licence or variation to an existing licence on the promotion of the Licensing Objective to prevent crime and disorder is a proper matter for the Council to consider under this policy.*
- 4.73 *It is hoped introducing this policy will encourage operators to provide a different style of premises that will appeal to a broader market.*



<b>Delegation of Functions</b>		
<b>Application</b>	<b>Speakers Panel (Liquor Licensing) Sub-Committee</b>	<b>Officers</b>
Application for personal licence	If objection notice submitted	If no objection notice submitted
Application for personal licence with relevant unspent convictions	All cases	
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If police objection submitted	If no police objection submitted
Application for new premises licence or club premises certificate	If relevant representation(s) submitted	If no relevant representations submitted
Application for a provisional statement	If relevant representation(s) submitted	If no relevant representations submitted
Application for a full variation of a premises licence or club premises certificate	If relevant representation(s) submitted	If no relevant representations submitted
Application to change a designated premises supervisor	If police objection submitted	If no police objection submitted
Application for an interim authority notice	If police objection submitted	If no police objection submitted
Application for a review of a premises licence or club premises certificate	All cases	
Decisions on the relevance and validity of representations or applications for review		All cases
Determination of a representation in relation to a standard temporary event notice	All cases	
Determination of a representation in relation to a late temporary event notice		All cases
Application for a minor variation of a premises licence or club premises certificate		All cases

Application for a community event notice*	If relevant representation(s) submitted	If no relevant representations submitted
Application for an ancillary business sales notice*	If relevant representation(s) submitted	If no relevant representations submitted

## **List of Potential Conditions to be Considered by Applicants for Premises Licences and Other Permissions Associated With the Licensing Act 2003**

### **1. Crime & Disorder**

#### **1. CCTV**

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

## **2. Door Staff**

A minimum of 2 SIA registered door supervisors shall be employed at the premises on Friday and Saturday nights and also New Years Eve from 9.00 pm until 20 minutes after the premises closes. Door supervisors will wear high visibility armbands.

## **3. Door Staff Policy**

The management shall produce and implement a Door Supervisor Policy which includes details of disciplinary procedures, and the management's expectations as to the behaviour and professionalism of the door staff. This policy will be submitted to GMP and the Licensing Manager on first implementation and following any subsequent changes to the policy.

## **4. Door Staff Log**

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;
- (ii) Full details, name, address and contact number of employment agency used

And for each individual period of trading:

- (iii) The name of the individual member of door staff
- (iv) His/Her Security Industry Authority licence number
- (v) The time and date He/She starts and finishes duty
- (vi) The time of any breaks taken whilst on duty
- (vii) Each entry shall be signed by the door supervisor, DPS or nominated person

## **5. Incident Book**

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises
- (iii) Any other crime or criminal activity on the premises
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer

## **6. Drug Policy**

The management of the premises must introduce a strict “zero tolerance” policy in respect of the use and/or supply of illegal drugs on the premises. The policy to include checks of the toilet areas every half-hour whilst the premises are open and suitable signage to be placed in prominent areas within the premises.

## **7. Use of Polycarbonate Glassware**

All glassware used in the premises must be of Polycarbonate type. Any drinks served in bottles must be in plastic bottles only. All drinks from glass bottles to be decanted into polycarbonate containers.

## **8. Nitenet Radio**

Where available, the premises must subscribe to the Nitenet Radio Service.

## **9. Last Entry to Premise**

There shall be no new entries to the premises by members of the public between 3am and 11am daily.

## **10. Legal Highs**

The premise must not sell, supply, advertise or keep as stock any type of “new psychoactive substances” (NPS) commonly known as “legal highs”. This includes any substance which mimics the effects of illegal drugs, irrespective of whether the substance is labelled as “not for human consumption” and also includes nitrous oxide in any form.

In addition, any other substance, item or other thing which may, from time-to-time be identified as having an intoxicating effect by the police or local authority must not be sold, supplied, advertised or kept in stock.

## **11. Paraphernalia**

The premise must not sell, supply, advertise or keep as stock any drug or NPS paraphernalia, including grinders, bong pipes, pipes, or any other item which is designed to assist with the use, consumption or production of illegal drugs or NPS.

## **2. Public Safety**

### **1. Occupancy Limit**

The total occupancy of the premises must not exceed \*\*\* persons, including staff.

### **2. Event Management Plan**

An Event Management Plan must be produced and forwarded to the Licensing Office for circulation to the responsible authorities a minimum of 21 days before the date of the activity.

### **3. Use of Polycarbonate Glassware**

All glassware used in the premises must be of Polycarbonate type. Any drinks served in bottles must be in plastic bottles only. All drinks from glass bottles to be decanted into polycarbonate containers.

### **4. Glass Collection**

In order to minimise the risk of persons becoming injured by broken glass, the designated premises supervisor must ensure that empty glasses, bottles and other containers are collected and disposed of regularly and at least every half-hour whilst the premise is open.

## **3. Prevention of Public Nuisance**

### **1. Noise Limiter**

A noise limiting device must be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The noise limiting device must be set and maintained at a level to be agreed with Tameside MBC.

### **2. Doors & Windows**

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

### **3. Entertainment to be Inaudible**

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be inaudible at the nearest noise sensitive location.

### **4. Perimeter Inspections**

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

### **5. Notices to Customers**

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

### **6. Litter Control**

The Designated Premises Supervisor must ensure that a member of staff collects all litter from the curtilage of the premises every day at the conclusion of trading. A written log must be kept of the areas checked and made available to responsible authorities for inspection on request.

### **7. No Drinks Outside**

The Designated Premises Supervisor must ensure that no drinks are taken or consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

## **4. Protection of Children from Harm**

### **1. Challenge 25**

The premises must operate a “Challenge 25” scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

### **2. Refusals Book**

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

### **3. List of Agreed Products**

A list of all items not to be offered for sale will be agreed with the Premises Licence Holder and the responsible authorities, including Trading Standards, and Greater Manchester Police. This list can be subject to further amendment and agreement between the parties. Once the list is agreed, items on the list must not be sold or supplied by the premises.

### **4. Proxy Notices**

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

### **5. Door Age Policy**

No persons under the age of 18/21/25 to be allowed entry to the premises at any time when it is open and operating/after \*\*: \*\*hrs.



## **5. All 4 Licensing Objectives**

### **1. Staff Training**

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

### **2. Personal Licence Holder to be on Premise at All Times**

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

### **3. List of Authorised Persons**

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

### **4. Pubwatch**

Where such a scheme is in operation, the Designated Premises Supervisor must be an active member of a local Pubwatch scheme or equivalent.

### **5. Purchasing policy**

A purchasing of alcohol and tobacco policy must be implemented at the premises by the designated premises supervisor.

### **6. Purchasing records to be kept.**

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer

## List of Responsible Authorities

Tameside Metropolitan Borough Council  
Licensing Department  
Tame Street Depot  
Stalybridge  
SK15 1ST

 [licensing@tameside.gov.uk](mailto:licensing@tameside.gov.uk)

Chief Superintendent  
Greater Manchester Police  
Licensing - 2<sup>nd</sup> Floor, Police Station  
Manchester Road  
Ashton-under-Lyne  
OL7 0BQ

 [g.licensing@gmp.police.uk](mailto:g.licensing@gmp.police.uk)

Tameside Metropolitan Borough Council  
Trading Standards  
Tame Street Depot  
Tame Street  
Stalybridge  
SK15 1ST

 [publicprotection-es@tameside.gov.uk](mailto:publicprotection-es@tameside.gov.uk)

Tameside Metropolitan Borough Council  
Environmental Protection  
Tame Street Depot  
Tame Street  
Stalybridge  
SK15 1ST

 [publicprotection-es@tameside.gov.uk](mailto:publicprotection-es@tameside.gov.uk)

Tameside Metropolitan Borough Council  
Head of Planning  
PO Box 304  
Ashton-under-Lyne  
OL6 0GA

 [planningmail@tameside.gov.uk](mailto:planningmail@tameside.gov.uk)

Tameside Metropolitan Borough Council  
Social Services  
Conference and Review Section  
Union Street  
Hyde  
SK14 1ND

 [Conference&Review@tameside.gov.uk](mailto:Conference&Review@tameside.gov.uk)

Public Health  
Level 3  
Tameside One  
Market Place  
Ashton-under-Lyne  
OL6 6BH

 [publichealth.enquiries@tameside.gov.uk](mailto:publichealth.enquiries@tameside.gov.uk)

Watch Commander Fire Protection  
Tameside Borough HQ  
Hyde Fire Station  
Railway Street  
Hyde  
SK14 1DF

 [FireSafetyStockportTameside@manchesterfire.gov.uk](mailto:FireSafetyStockportTameside@manchesterfire.gov.uk)